

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.3154 OF 2021

Sameer Madhavan Nair S/o
Pandarithil Sethu Madhavan
Director of Saan Engineers Pvt. Ltd. ...Applicant

Vs.
The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION (ST) NO.1715 OF 2022
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.3154 OF 2021**

Krishankumar Sripad Hegde ...Applicant

Vs.
The State of Maharashtra & Anr. ... Respondents

Mr.Manu T. Ramchandran for the Applicant.
Mr.A.R. Kapadnis,APP for the Respondent-State.
Mr.P.I. Patil, IO i/b ASI Bhojkar Mangaon Police Station,
District-Raigad.

CORAM : C.V. BHADANG, J.

DATE : 18 FEBRUARY 2022

P.C.

. By this Application, the Applicant Sameer Madhavan Nair apprehending arrest, in connection with the investigation of Crime No. 265 of 2021 registered with Mangaon Police Station, under Section 379 read with section 34 of the Indian Penal Code, is seeking anticipatory bail.

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2. The first informant/Intervenor and the Applicant are having adjacent plots in MIDC, District-Raigad. The Applicant has requested the first informant to allow a small amount of soil, being taken from informant's plot as the Applicant intended to develop a garden in his plot.

3. The first informant claims that the Applicant taking disadvantage of the formal consent given for removal of a small amount of soil and had exceeded the said authority and had caused substantial damage to the plot of the first informant by removal of about 103 brass of soil from Plot No.B-37 at Village Bhagad, MIDC, Mangon, District-Raigad of the first informant, and dumping in his own plot. The matter was reported to the police. It appears that simultaneously the Revenue Authority has also taken action, and an amount of Rs.4,77,000/- and odd has been levied on the Applicant. The Applicant has deposited the same.

4. I have heard the learned counsel for the parties and the learned Additional Public Prosecutor assisted by the learned counsel for the Complainant/Intervenor.

5. Upon hearing the learned counsel for the parties it *prima facie* appears that there is a dispute about excess removal of the soil by the Applicant from the plot allotted to the first

informant. The Revenue Authority has already taken action and the amount levied on the Applicant is stated to be deposited.

6. I have also seen the photographs. It indeed appears that substantial amount of soil is removed from the plot of the informant. The dispute in my considered view has substantial Civil overtones. In any event, looking to the nature of the allegations and the offence, I do not find that custodial interrogation may be warranted. The Applicant can be asked to join the investigation subject to the conditions. Hence the following order is passed.

ORDER

(i) In the event of his arrest in connection with investigation of Crime No. 265 of 2021 registered with Mangaon Police Station, the applicant shall be released on bail on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties in the like amount.

(ii) The applicant shall report to the Investigating Officer on 24 and 25 February 2022 between 11.00 am to 1.00 p.m. and as and when called by the investigating officer and shall co-operate with the Investigating Agency.

(iii) The Applicant shall produce the receipt of the payment of the penalty to the Revenue Authority before the Investigating Officer and shall comply with all the requisitions made.

(iv) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.