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ANTICIPATORY BAIL APPLICATION NO.3397 OF 2022

Mr. Harshkumar Raghuvar Singh	..Applicant
vs.	
State of Maharashtra	..Respondent

Mr. Mandar Soman a/w Mr. Mayur Sosa, Nitin Rai, Aditya Rai
i/b Mr. Divakar Rai for applicant.
Mr.S.V. Gavand, APP for respondent-State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 23, 2022

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** The applicant is seeking pre-arrest bail in respect of C.R.No. 684 of 2022 dated 13/07/2022 registered with Waliv Police Station for the offence punishable under sections 304 of the Indian Penal Code, 1860 and under sections 52, 53, 54 of the Maharashtra Regional and Town Planning Act, 1966.
- 3.** The applicant was the owner of the subject land. He

entered into a development agreement with co-accused no. 1 – Ajit Raisaheb Singh. Accused no.1 developed the said property by constructing 12 shops and a chawl consisting of 18 rooms. There was a landslide, as a result of which two persons died. FIR came to be registered against the developer – Ajit Raisaheb Singh i.e. accused no.1. Accused no.1 was arrested. While granting bail to the accused no.1- Ajit Raisaheb Singh, the Sessions Court has observed that by development agreement of the year 2015 the co-accused purchased the land in survey no. 146 hissa no.1 for the purpose of development from this applicant. The statement of the witnesses who are residing on the spot was recorded who state that it is accused no.1 who did not take care and caution while carrying out construction. Admittedly, accused no. 1 was the developer. The developer was arrested and has since been granted bail. The development agreement and necessary documents are already in the custody of the Investigating Officer. Charge-sheet has been filed against accused no.1. It appears that the applicant is being implicated as he is the owner of the suit property who

had executed development agreement in favour of the accused no.1. The development activities were carried out by accused no.1. In this view of the matter, in my opinion, considering the stage of the investigation and that all the documents are already with the Investing Officer, the custodial interrogation of the applicant is not required. Hence, the following order.

ORDER

(a) In the event of arrest of the applicant in connection with C.R. No. 684 of 2022 registered with Waliv Police Station, the applicant- Mr. Harshkumar Raghuvar Singh be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence;

(c) The applicant shall attend the Investigating Officer on 27/12/2022, 28/12/2022 and

29/12/2022 between 10.00 a.m. and 1.00 p.m. and thereafter as and when called. In any case, the applicant to report the Investigating Officer once in a month on every Monday, between 10.00 a.m. and 1.00 p.m.

4. The application is disposed of.

(M. S. KARNIK, J.)