

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

ANTICIPATORY BAIL APPLICATION NO. 96 OF 2023

Vijay Hanmantrao Shinde

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Dilip Bodake - Advocate for the Applicant

Mr. N. B. Patil - APP for the Respondent-State

Mr. Sandip Kisan More – API Satara City Police Station

CORAM : S. M. MODAK, J.

DATE : 19th JANUARY, 2023

P. C. :-

1. Heard learned Advocate Shri Bodake for the Applicant and learned APP for the Respondent-State.

2. The F.I.R. is registered with Satara City Police Station bearing C.R. No. 241 of 2020 on 18/03/2020 for the offence punishable under Sections 167, 465, 466, 467, 468, 469, 471, 472, 473, 475 and 420 read with 34 of the Indian Penal Code.

3. This F.I.R. was registered on the direction given by the learned Magistrate on 27/09/2018 thereby to proceed under Section 156(3) of the Code of Criminal Procedure. Private complaint was filed on behalf of the Satara District Co-operative Board Limited,

Satara through its Chairman Dhananjay Sarjerao Shedge. He has filed that private complaint against in all 14 persons out of the present Applicant is accused no. 1 and rest of the accused are erstwhile members of the Board of Directors of the Complainant's board.

4. The sum and substance of the allegation is that the Accused Nos. 2 to 14 has granted development rights to the present Applicant by not following the procedure and they have caused economic loss to the Complainant's Board. The Complainant owned a land bearing CTS No. 469/27/1, Sadarbazar, Satara admeasuring 4032-20 sq. mtrs. within the limits of Satara Municipal Council. After taking sanction from Commissioner, Co-operative and Registrar Co-operative Societies, the board has decided to develop that land. In fact the General body has not granted approval to allow the development rights to the present Applicant but with fraudulent intention, the accused nos. 2 to 14 have resolved to grant the development rights to the Applicant. In fact, subsequently this resolution was also cancelled by the General body in spite of that present Applicant continued with the construction. The development agreement was prepared on 02/06/2003. Its copy is placed on

record at page no. 198.

5. According to the Applicant in fact he has done the construction and also allotted area to the board as agreed and sold rest of the construction which has come to his share. The contention is that when the new body was elected consisting of the present Chairman Dhananjay Sarjerao Shedge, the private complaint has been lodged with malafide intention. It is also contended that the dispute does not involve the criminal element and at the most it can be said to civil dispute. There is co-operative dispute filed by the board in the year 2008 against some of the defendants including the present Applicant. Its copy is at page no. 465. Apart from that there is civil suit filed in the year 2018 on behalf of the board against the present Applicant. It is for the recovery of losses. Its copy is filed at page no. 498. There is one more allegation that the present Applicant has mortgaged the property of the board to one Sharmik Sahakari Bank.

6. Learned APP invited my attention to the order passed by the Sessions Court thereby rejecting the request of the present Applicant. Its copy is at page no. 394. It is common order passed for various Applicants.

7. After going through the papers, I feel that the Applicant needs to be protected. This Court feels that custodial interrogation is not required as offence pertain to the documents. Even prima-facie stage, it can be said that criminal law was set in motion in the year 2018 whereas for the first time dispute was filed before the co-operative Court in the year 2008. So the Applicant can be granted anticipatory bail.

8. Hence following order is passed:-

ORDER

- (i) The application is allowed.
- (ii) The applicant-Vijay Hanmantrao Shinde be released on bail on furnishing PR bond and surety bond in the sum of Rs.25,000/- in case of arrest in connection with C.R. No. 241 of 2020 registered with Satara City Police Station.
- (b) The Applicant shall give attendance to the Satara City Police station on every Monday and Thursday from 10 am to 12 noon for three months.
- (d) The Applicant shall not leave the territorial limits of the Satara District until filing of the Charge-sheet. In case of emergency, the Applicant should take the permission of Superintendent of the Police Satara.

9. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

10. Application is disposed of in the aforesaid terms.

11. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]