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

ANTICIPATORY BAIL APPLICATION NO.579 OF 2023

Virendra S. Shukla

...Applicant

vs.

The State of Maharashtra & Ors.

...Respondents

Mr. S. R. Mishra for the Applicant.

Mr. H. J. Dedhia APP for the Respondent-State.

Mr. Vinayak Panmand, API, EOW, Mira Bhayander present.

CORAM : S. M. MODAK, J.

DATED : 16TH MARCH 2023

P.C. :

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

2. This Court has granted interim protection to the Applicant as per order dated 24th February 2023, and he was directed to attend before the Investigating Officer on 2nd March 2023 and 3rd March 2023. There is some dispute whether the Applicant has complied with these directions punctually. Instead of going into that issue, I have heard both sides on merits.

3. The FIR is lodged by the officer of the Achole police station under the provision of sections 420 read with 34 of IPC and section 52, 53 and 54 of MRTP Act. The allegations is that present Applicant has constructed the building on plot of land belonging to the

Government and without disclosing the fact to the flat purchasers, he sold away the flats. It is submitted that it is not known to them that the land is reserved land.

4. As against this it is contended that when the building was constructed, the land was standing in name of private person and it was not belonging to the Government. Whereas the first informant has stated that there is reservation for dumping ground for the area of land on which the building is constructed. It is further alleged that permission of the Planning Authority is not taken.

5. The Applicant contends that at that time Municipal Corporation was not there. Be that as it may there must be some local authority.

6. Considering the fact that allegation is about construction of the building on the Government land, the Applicant does not deserve confirmation of the interim protection. Furthermore, this fact is verified as per statement of the flat purchaser. No case for confirmation of the interim protection is made out.

7. In view of above, Application is dismissed.

8. Interim protection granted earlier stands vacated.

[S. M. MODAK, J.]