

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

ANTICIPATORY BAIL APPLICATION NO. 831 OF 2023

Mr. Lalaram Sukhramji Mali
Age : 48 Years, Occu. : Business,
R/at : B/108, 1st Floor, Nirmal
Park Building, R. N. Park,
Bhayander (E) – 401 105.

...Applicant

vs.

1. State of Maharashtra
2. Senior Police In-charge,
Achole Police Station

...Respondents

Mr.Satish R. Mishra – Advocate for Applicant.
Mr.A.R.Kapadnis – APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATE : 28th MARCH, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.
2. There is an offence registered at Achole Police Station on 2nd February, 2023 at C.R. No. 69 of 2023 under Sections 420, 52, 53, 54 read with 34 of Indian Penal Code, 1860 [“IPC”]. It is lodged on behalf of the Municipal Corporation – Vasai Virar. It is lodged against

various persons and present Applicant is shown at Sr.No.14. It is alleged that all these persons have constructed various buildings on the plot belonging to the Government without obtaining the permission and even they have sold the flats.

3. It is submitted that in fact, this building is not constructed by him but the present Applicant purchased already constructed building from one Sachidanand Rameshchandra Pandey vide undated agreement. Its copy is filed on Page No.11. Earlier, there is a deed of settlement in between them. It shows that the present Applicant has paid a consideration amount to the said Pandey.

4. There are general allegations of carrying out an authorized construction by various persons but when the Applicant is coming with the case that in fact he has not constructed but purchased already constructed building, I think the Applicant can be granted protection. Though learned APP tried to point out certain defects in those agreements, there is no material to infer that these agreements are bogus agreements and which is executed for the sake of execution. So, he deserves to be granted protection. Hence, following order :-

O R D E R

- (i) In case of arrest in connection with C.R. No. 69 of 2023 of Achole Police Station, the Applicant be released on furnishing Personal Bond and Surety Bond of Rs.25,000/-.
- (ii) The Applicant to give attendance to Achole Police Station on Saturday from 10.00 to 12.00 noon, for three months.

5. 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.

6. Application is disposed of in the aforesaid terms.

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

[S. M. MODAK, J.]