

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2926 OF 2021

Balasaheb @ Balkrushna s/o Ramchandra Labde ...Applicant

Versus

The State of Maharashtra and ors. ...Respondents

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Mr. Bhumkar R. P. a/w Mr. Bhumkar N. R. for the Applicant.

Ms Veera Shinde, APP for the State.

Mr. Chidambar Gavnekar for Respondent No. 2.

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CORAM : N.R. BORKAR, J.

DATED : 5 APRIL 2023

P.C. :-

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 211 of 2021 registered at Khalapur Police Station, Raigad for the offences punishable under Sections 420, 465, 467, 468, 472, 120-B of the Indian Penal Code.

3. I have heard the learned counsel for the applicant, the learned APP for the respondent-State and perused the First Information Report.

4. According to the prosecution, the present applicant and other co-accused has established fake and bogus Bhoodan Samittee by name Maharashtra Gramdan Navnirman Samittee (hereinafter referred to as Gramdan Samittee). It is alleged that the present applicant, who is Secretary of said Gramdan Samittee in connivance with Revenue Officer got deleted the names of the complainant and witnesses from 7/12 extracts of land owned by them on the ground that the said lands were sold to them by original bhoodan allottee in contravention of terms of allotment. It is alleged that the applicant and other co-accused thereafter got mutated the name of Gramdan Samittee in 7/12 extracts of the said lands. It is alleged that the applicants and other co-accused thereafter sold the said lands to Builders, etc.

5. The learned counsel for the applicant submits that the applicant is a Social Worker and Secretary of Gramdan Samittee and it was established by Acharya Vinoba Bhave in the year 1961. It is submitted that as the land in question were sold by the original allottee in breach of terms and condition of allotment, the application was moved by the present applicant for restoring the said land to Gramdan Samittee. It is submitted that the dispute is of purely civil nature and no custodial interrogation of the applicant is necessary. It is thus submitted that the applicant may be released on anticipatory bail.

6. On the other hand, the learned APP for the respondent/State submits that Gramdan Samittee in question is fake and bogus and it is not approved by the Government. It is submitted that the lands of the

complainant and the witnesses were transferred to the builders and the persons who are not eligible for huge consideration, which according to the prosecution is about ten crores. It is submitted that the applicant and other co-accused pocketed the said consideration. It is submitted that even as per Maharashtra Gramdan Act, the Collector is the competent authority and thus Tahsildar ought not to have considered the application filed by the applicant for restoration of land. It is submitted that considering the nature of offence, the applicant may not be released on anticipatory bail.

7. On 18 November 2022, this Court passed the following order:

“The learned Counsel for the Respondent No. 2 submits that after the land in question was ordered to be returned to Maharashtra Gramdan Navnirman Samittee, they allotted it to third party. The applicant shall file additional affidavit which should contain criteria adopted by Maharashtra Gramdan Navnirman Samittee for allotment of land in question to third party and whether any monetary consideration was received towards said allotment. At the request of the learned counsel for the applicant, stand over to 29th November 2022. Interim protection granted earlier to continue till the next date.”

8. Pursuant to the aforesaid order, the applicant has filed the affidavit dated 2 December 2022. For the ease of reference same is scanned and reproduced below:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRI. ANTICI. BAIL APPLICATION NO. 2926 OF 2021

DISTRICT : PUNE

Balasaheb @ Balkrushna S/o Ramchandra
Labde,Ori.Applicant

VERSUS
The State of Maharashtra & Ano. Respondents

**ADDITIONAL AFFIDAVIT ON BEHALF OF THE ORI.
APPLICANT**

I, Balasaheb @ Balkrushna S/o Ramchandra Labde, Age :
66 years, Occu: Social Work, R/o Flat No. 109, First Floor,
Pratham Apartment, 727 Sadashiv Peth, pune, do hereby
solemnly affirmation that the file this Affidavit-in-Reply, to the
intervention application as under :-



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1. That, the applicant says and submits that, the applicant and That the criteria adopted by the Maharashtra Gramdan Nava Nirman Samiti for allotment of the Land to the third party is that according to the practice adopted by Acharya Vinoba Bhave they will be taken a decision and land is allotted to the third party, there is no monetary consideration is received towards the allotment.
2. The applicant say and submit that, the allotment certificate which is adopted by Acharya Vinoba Bhave same method is adopted by the Bhoodan Samiti, the most of the land is already allotted by under the control of Acharya Vinoba Bhave, however the conditions which is mentioned in the allotment letter is not fulfilled or the conditions are break then same shall be cancelled and subsequently as when if applications are received more than one then, the one of the member make enquiry after discussion the said land is allotted to the needy person. Copy of the allotment letter which is prepared by Acharya Vinoba Bhave is annexed herewith marked as EXHIBIT-"X-1".
3. The applicant say and submit that, after allotment if complaints are received for allotment then again one of the member visits the spot and make and enquiry and if the complaint is genuine or true then they allotment is canceled,



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accordingly the disputed land is cancelled by the Samiti by letter dated 15/03/2022, it is fact that for allotment there is no monetary transaction between the Bhoodan Samiti and allotter not only this, but similar circumstances the Grampanchayat Kundewahi, Taluka - Panvel, District - Raigadh, also issued letter dated 22.06.2015 to the Bhoodan Samiti, they submitted an application and requested that, the said land the Survey Numbers, which are mentioned in the application, are used for village development. Copy of the letter issued by Grampanchayat Kundewahai dated 26.06.2015 is annexed herewith and marked as **EXHIBIT X2**.

4. The applicants say and submit that, accordingly after receiving the application from Grampanchayat to the association / Bhoodan Samiti visited the spot and after discussion the Bhoodan Samiti issued letter to the Sub-Divisional Officer, Panvel by letter dated 07.07.2015 and requested accordingly. Copy of the letter issued by Bhoodan Samiti dated 07.07.2015 is annexed herewith and marked as **EXHIBIT X3**.

5. The Applicants say and submit that, it is prima-facie the Bhoodan Samiti acted as a social work and according to the guidelines issued by Acharya Vinoba Bhave and there is no any monetary transaction, however the allegation which is



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mentioned in the F.I.R. is contrary to the fact and circumstances and therefore the economical wings are not having any right to register the offence and make an enquiry and file charge sheet against the applicant.

6. However according to the rule and regulations of the association and under the instruction of Acharya Vinoba Bhave the associations accepted the land /donations from public at large and said land / donation is utilized for public purpose and allotted to needy person as well as used public purpose.

Hence this Affidavit.

**AND FOR THIS ACT OF KINDNESS AND JUSTICE,
THE APPLICANTS AS IN DUTY BOUND SHALL EVER PRAY.**

Place: BOMBAY
Date: 02.12.2022

N.R. Bhumkar
(R. P. Bhumkar)
Advocate For Applicant

[Signature]

[Signature]



VERIFICATION

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I, Balasaheb @ Balkrushna S/o Ramchandra Labde, Age : 66 years, Occu: Social Work, R/o Flat No. 109, First Floor, Pratham Apartment, 727 Sadashiv Peth, Pune, do hereby state on solemn affirmation that, the contents of this Additional Affidavit from Para No. 1 to 2 which are explain in to Marathi language by my advocate which are true and correct to the best of my personal knowledge.

Hence, verified at Mumbai on this 2nd day of December, 2022.

Identified and
Explained by :-

N.R. Bhumkar
N.R. Bhumkar
Advocate

DEPONENT

Balasaheb @ Balkrushna
(Balasaheb @ Balkrushna
S/o Ramchandra Labde)

BEFORE ME

Shange

S. N. Shange
Notary Public for India
Regd. No. 12776 MUMBAI (MS)
401001, 1st Floor, Dover House,
187/19, Central Camera Bldg,
D.N. Road, Fort, Mumbai - 400001



NOTED & REGISTERED

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Dated 02 DEC 2022



9. The affidavit is vague. It is not spelt out as to how much amount they have received, by way of donation or otherwise. It appears from the papers of investigation that though the bhoodan land can not be auctioned in one of the instances, the applicant gave letter that Gramdan Samittee had no objection for auction and received Rs. 9,60,000/-. It appears from the papers of investigation that after taking the lands of the complainant and witnesses, the applicant and other co-accused had allotted them to the Builders, etc. According to the prosecution, the government valuation of the lands of the complainant and witnesses is more than ten crores. In my view, the custodial interrogation of the present applicant is necessary to unearth whole conspiracy and how many such allotment they have made. Considering the overall facts and circumstances, I am not inclined to grant anticipatory bail to the present applicant. The Application is rejected.

10. At the request of the learned counsel for the applicant, interim order dated 9 December 2021 shall remain in operation for the period of three weeks from today.

(N.R. BORKAR, J.)