



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3442 OF 2023**

M. R.R.Nair ... Applicant
versus
Union Territory of Dadra and Nagar Haveli and Anr. ... Respondents

Mr. Mithilesh Mishra i/by Mr. Chandrakant Yadav, for Applicant.
Mr. Aayush Kedia h/f Mr. H.S.Venegaonkar, for Respondent No.1.
Ms. Anamika Malhotra, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 14 DECEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.333 of 2023 registered with Coastal P.S. Moti Daman, Police Station for the offences punishable under Sections 420, 466, 477A, 201 and 120B of the of the Indian Penal Code.
3. The applicant is 75 year old. He has retired from the service long back. The applicant is a permanent resident of Kerala. The applicant seems to have directly approached this Court without exhausting the remedy before the Court of Session.
4. The indictment against the applicant is that the applicant has revalidated the permission to carry out construction at Survey no.4/1-A, then being erected by M/s.Jal Enterprises, permission for which was issued in the year 1990, for four terms

in a single revalidation, while the applicant was posted as the Chief Officer, Daman Municipal Corporation. The thrust of allegation is that when the permission to carry out construction was granted, the said land was not within the limits of Municipal Council and, in fact, fell within the area of a Panchayat.

5. Perused the allegations in the FIR. Prima facie, the allegation is of granting revalidation for four terms in one go. However, the fact remains that initial permission was granted in the year 1990.

6. Learned Counsel for the Respondent No.1 submits that the applicant has appeared before the Investigating Officer and has co-operated with the investigation.

7. In the circumstances, since the applicant has directly approached this Court, without exhausting remedy before the Court of Session, it may be expedient to grant interim protection to the applicant with liberty to the applicant to approach the jurisdictional Court of Session for pre-arrest bail.

7. Hence, the following order :

ORDER

(i) The application stands disposed with liberty to the applicant to approach jurisdictional Court of Session.

(ii) In the meanwhile, for a period of three weeks, the applicant shall not be arrested in C.R.No.333 of 2023, Coastal P.S.Moti Daman.

(N.J.JAMADAR, J.)