



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.523 OF 2024**

Salman Anis Dolare	...	Applicant
versus		
State of Maharashtra	...	Respondent

WITH
INTERIM APPLICATION NO.1384 OF 2024

Nisar Abdul Rehman Shaikh	...	Applicant/Intervener
and		
Salman Anis Dolare	...	Applicant
versus		
State of Maharashtra	...	Respondent

Mr. Manoj Mohite, Sr. Advocate with Mr. Pratik B. Rahade, Mr. Kishor Patil, for Applicant.

Mrs. Supriya Kak, APP for State.

Mr. Pandit Kasar, for Applicant in IA 1384 of 2024.

CORAM: N.J.JAMADAR, J.

DATE : 7 MAY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. By an order dated 5 March 2024, interim protection was granted to the applicant. The learned Senior Advocate for the Applicant submitted that pursuant to the directions in the order, the applicant had appeared before the IO.
3. Learned APP, on instructions of the IO, submits that the applicant had appeared before the IO and co-operated with the investigation and further custodial interrogation of the applicant may not be warranted.

4. Mr. Pandit Kasar, learned Counsel for the Intervener-first informant resisted the prayer for bail. It was submitted that the Tahasildar had reviewed the order of permitting the applicant to deposit NA conversion charges unjustifiably. There was no reason for the Tahasildar to review the order dated 15 December 2023, whereby the application for payment of conversion charges and NA tax assessment came to be filed. It was submitted that the applicant has been habitually indulging in offences of land grabbing and notices have been issued to the applicant to demolish the unauthorized construction erected by the applicant.

5. When the interim protection was granted, this Court had noted the aforesaid submissions, and was persuaded to grant interim protection observing, *inter alia*, as under :

“6. Mr. Kasar, learned counsel for the first informant submitted that the applicant has been indulging in forgery of public record and the FIRs have been registered against the applicant. Attention of the Court was invited to the copies of the documents which indicate that the same Tahsildar who had initially cancelled the NA permission has subsequently granted NA permission in the month of January, 2024, relied upon by the applicant. It was submitted that the applicant has threatened the first informant and NC complaint has been lodged.

7. *Prima facie*, it appears that the offences revolve around documents. There seems to be a controversy as regards the documents which were allegedly tendered by the applicant seeking NA permission. At this stage, there is a fresh NA permission granted by Tahsildar. Whether in the circumstances of the case, the

Tahsildar could have granted fresh NA permission, is a matter which warrants investigation.

8. In the circumstances, till the application is decided after providing an opportunity of hearing to the prosecution and the first informant, the liberty of the applicant deserves to be protected.”

6. The situation which obtains is that during the course of investigation, no further material came to be collected which changes the complexion of the allegations against the applicant. The question as to whether the Tahasildar lawfully passed the order dated 1 January 2024 can be agitated before the appropriate authority by filing appropriate proceedings.

7. Prima facie, the Tahasildar has permitted the applicant to pay the conversion charges. As noted above, the applicant has cooperated with the investigation. In these circumstances, since the investigating agency does not require the custody of the applicant to facilitate further investigation, I am impelled to make the order of interim bail absolute on the terms and conditions incorporated therein.

8. Hence, the order of interim bail dated 5 March 2024 is made absolute on the terms and conditions incorporated therein.

9. The applicant shall not give any threat or inducement to the first informant.

10. The application stands disposed.

11. In view of the disposal of the application, Interim application No.1384 of

2024 also stands disposed.

(N.J.JAMADAR, J.)

SSP

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