

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

ANTICIPATORY BAIL APPLICATION NO. 2868 OF 2024

Janardhan Moru Mhatre	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Abad Ponda, Senior Advocate, a/w Mr. Ashwin Ranjan and Sameer Pendse for the Applicant.

Ms. Rutuja A. Ambekar, APP for Respondent-State.

**CORAM: MANISH PITALE, J.
DATE : 24th OCTOBER 2024**

P.C. :

. Heard Mr. Abad Ponda, learned Senior Counsel for the applicant and learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No. 0547 of 2024 dated 5th September 2024 registered at Panvel City Police Station, Dist. Navi Mumbai, for offences under Sections 318(4), 61 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The informant in the present case is the Range Forest Officer, Uran, Dist. Raigad, and the offence of cheating is registered against the applicant on the basis of he has dealt with a specific piece of land, which is forest land. It appears that according to the informant, the actions of the applicant amount to cheating the forest department and the Government.

4. The learned Senior Counsel appearing for the applicant tendered a compilation of documents in order to support his submissions. The compilation is taken on record. He relied upon the documents in the compilation as well as those filed along with the application, to contend that there is no question of criminality in the present case and that the applicant has made out a strong *prima facie* case in his favour.

5. On the other hand, the learned APP submitted that unless investigation papers are perused, it would be difficult to assist this Court for disposing of the present application.

6. In such circumstances, this Court is inclined to grant interim relief to the applicant, while keeping the present application pending, for the following reasons :

- (i) The documents filed in the compilation, show that 12th February 1960, it was recorded in Government papers that the subject land was given as an *inam* to particular individuals and possession was also handed over. It appears that the said *inam* holders sold the land to the predecessor in title of the applicant. The documents on record show that the applicant purchased 4 hectares from the said land in the year 1994. These documents *prima facie* show that the applicant could be said to be a bonafide purchaser for value, without any notice about the lands being forest land.

- (ii) The applicant took loan from a bank in the year 2013, on the basis of ownership of the said land. The bank would certainly have carried out title verification and thereupon, loan for an amount of Rs.3.47 crores was advanced to the applicant. This further indicates that a *prima facie* case is made out in favour of the applicant.
 - (iii) A portion of 1.84 hectares out of the 4 hectares of the aforesaid land was acquired by the National Highway Authority of India (NHAI), for which the applicant was duly paid compensation of about Rs.42 crores. The statutory authority, while carrying out the process of acquisition, would certainly have undertaken appropriate enquiries, thereby indicating that even at that stage, there was no claim regarding the subject land being forest land.
 - (iv) The aforesaid material makes out a strong *prima facie* case in favour of the applicant to claim that no criminality can be attributed to him for having dealt with the said land, much less for having cheated the Government or the forest department in the process.
 - (v) The applicant has undertaken to cooperate with the investigation.
7. In view of the above, the following interim order is passed :
- (a) Till the next date, in the event the applicant is arrested in

connection with FIR No. 0547 of 2024 dated 5th September 2024 registered at Panvel City Police Station, Dist. Navi Mumbai, he shall be released on bail on furnishing PR Bond of Rs.50,000/- and one or two sureties in the like amount.

- (b) The applicant shall remain present before the Investigating Officer on 28th October 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.
- (c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

8. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.

9. List this application for further consideration on 3rd December 2024 (High on Board).

MANISH PITALE, J.