



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 76/2024

Anil s/o Ratiram Fulzele V/s State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.A. Naik, counsel for the applicant.

Mr. V.A.Thakre, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 29/01/2024.

1. By this application, the applicant is seeking pre-arrest bail, in connection with Crime No.999/2023 registered with Police Station Tahsil, Nagpur for the offences punishable under Sections 419, 420, 465, 467, 468, 471, 167, 120-B read with Section 34 of the Indian Penal Code, 1860.

2. The applicant is the City Survey Officer serving in the Land Records Department at Amravati. The allegation against the present applicant is that he has issued the notices to the dead person. Thus, in furtherance of common intention, he assisted the other co-accused.

3. As per the allegation in the report, the applicant has conspired with the accused Nos. 1 to 4, who are the land owners of the City Survey No.560 and 561, mutated and transferred a public road of width 10 feet situated between City Survey No. 560 and 561 of Sheet No. 159 in the name of accused Nos.1 to 4. It is further the case of

the prosecution that, the applicant along with the other co-accused conspired to increase the area of the City Survey No. 561 by 37.125 Sq. Mtrs. by carrying false measurements along with the spot inspection resulted into decrease in the area of the plot of the complainant. As far as the present applicant is concerned, the allegation against him is that he issued the notices to the dead person and carried out the measurement work.

4. Learned counsel Mr. A.A. Naik for the applicant submitted that the present applicant has filed the application for anticipatory bail before the learned trial Court. The learned trial Court has rejected the interim application filed by the applicant for grant of ad-interim anticipatory bail. The main application is still pending and since long, it is for passing of the order. The learned trial Court has not disposed of the application, therefore the applicant is apprehending arrest and the continuous apprehension is there, and he is unable to cooperate with the investigating agency.

5. Learned APP strongly opposed the present application on the ground that considering the allegation as it is, the custodial interrogation of the applicant is required. He further submitted that the application can be disposed of by directing the learned trial Court.

6. Having heard the learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR. As far as the role of the present applicant is

concerned, measurement and issuing the notices to the concerned persons. As far as the immediate custodial interrogation is concerned, which is not required as everything is in the document form, and which can be seized from the office of the Land Records. In view of that, the applicant can be protected by granting ad-interim anticipatory bail.

7. Considering the main application is pending before the learned trial Court, the learned trial Court shall dispose of the application without any further delay. In view of that, I proceed to pass following order:

- a) In the event of his arrest, in connection with Crime No.999/2023 registered with Police Station Tahsil, Nagpur for the offences punishable under Sections 419, 420, 465, 467, 468, 471, 167, 120-B read with Section 34 of the Indian Penal Code, 1860, the applicant- **Anil Ratiram Fulzele** is released on ad-interim anticipatory bail on executing P.R. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- b) The applicant shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.
- c) The ad-interim protection granted to the applicant is of one week only.

- d) The applicant shall furnish his cell phone number(s) and address with address proof before the investigating agency.
- e) The learned trial Court is directed to dispose of the matter without any further delay.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]