



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO. 4 OF 2024

PRASHANT RAMESH KAMDI

Vrs.

THE 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

S/Shri P. S. Gabhane and V. Gulhane, Advocates for applicant.
Shri A. G. Mate, A. P. P. for Non-applicant-State.

CORAM: URMILA JOSHI-PHALKE, J.

DATE : 25/01/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No.20/2022 registered under Sections 406, 420, 467, 468 and 471 r/w Section 34 of the Indian Penal Code, the applicant approached to this Court for grant of anticipatory bail.

2. The accusation against the present applicant is on the basis of report lodged by one Pritesh Jagdish Bansod, Officer of Nagpur Improvement Trust (NIT) alleging that the land bearing Kh.No.157 admeasuring 19.10 acres situated at Wathoda is owned by Nagpur Improvement Trust. In the year 1969, it was allotted in favour of Mahipat Shendre, Gajanan Shendre, Yashodabai Bondre and Sarjabai Bawankar, etc. on lease for agricultural purpose by executing registered Lease Deed for the period between 19/02/1969 to 31/03/1999. Thereafter, the said land again allotted in favour of them i.e Chandrakant Shendre on lease for further period between 01/04/1999 to 31/03/2029. However, Gajanan

Shendre and his family members executed Power of Attorney on 01/10/2002 with regard to their rights to the land admeasuring 4.16 HR. i.e. 10.27 acres in favour of Sheikh Mehmood, R/o Satranji Pura, Nagpur. The another lease holder Yashodabai Bondra and Sarjabai Bawankar also executed a Deed of Power Attorney with regard to their shares to the extent of 2.20 acres, out of entire land admeasuring 19.10 acres in favour of Dharmadas Ramani, then Dharmadas Ramani executed a Sale Deed with regard to 2.20 acres of land on 31/12/2014 in favour of Sheikh Mehmood. Thereafter, said Sheikh Mehmood developed the said land and sold out to other persons. It is further alleged that the son of Mahipat Shendre namely; Premchand Shendre also developed the land admeasuring 1.59 HR, out of the said 19.10 acres. Thereafter, he and the co-accused Mukund Vyas sold the said residential plots to different persons. Thus, it is alleged that the person to whom the land bearing Kh. No.157 admeasuring 19.10 acres of land handed over without seeking permission of Nagpur Improvement Trust developed said residential area and sold out to others and duped to the Nagpur Improvement Trust for amount of Rs.71,04,82,080/-.

3. Learned counsel for the applicant submitted that leasehold rights in favour of the original lease-holders were transferable rights. He further submitted that as far as present applicant is concerned, he is the son of Ramesh Kamdi in whose favour Power of Attorney was executed. Applicant has only handed over possession of some plots

to the purchasers. The custodial interrogation of the present applicant is not required. In view of that, the applicant be protected by granting ad-interim anticipatory bail.

4. Learned APP strongly opposed the application on the ground that during investigation, it reveals that Mahipat Shendre and others have executed the Power of Attorney in favour of present applicant namely; Prashant Ramesh Kamdi. Thus, the father of the present applicant was well aware about the nature and the capacity under which Mahipat Shendre and others were holding the land. It reveals from the investigation papers that present applicant Prashant Kamdi collected the documents during the investigation shows that present applicant has confirmed the possession of some plots in favour of one Seema Gupta and 80 other persons.

5. Learned APP has shown the documents executed by the present applicant titled as document of possession. All the documents are notarized documents. The document indicates that the applicant has handed over the possession of 80 plots to various persons, out of the land in question. The document also indicates that the applicant claimed himself to be holder of the plot as his father was Power of Attorney. So far as the present applicant is concerned, it reveals from the possession receipts which are issued by him in favour of various persons. At this stage, the document on record sufficiently shows the involvement of present applicant in the alleged

offence. The lands which were converted into the non-agricultural lands and divided into the plots are owned by the Nagpur Improvement Trust and it was given only on the lease to the co-accused Mahipat Shendre and others. With intention to deceive the Nagpur Improvement Trust, they have converted land without seeking permission of the Nagpur Improvement Trust into non-agricultural land and sold to various persons. The involvement of the present applicant is also revealed as he has issued 80 possession receipts to various persons. Thus, the custodial interrogation of the present applicant is required. It further reveals that Investigating Officer has complied the guidelines issued by the Hon'ble Apex Court in the case of **Satender Kumar Antil Vrs. Central Bureau of Investigation**, reported in **(2022) 10 SCC 51** by issuing notice under Section 41-A.

6. Considering the prima facie material against the present applicant, no case is made out for grant of anticipatory bail. In view of that, application for grant of anticipatory bail deserves to be rejected. Accordingly, I proceed to pass following order :-

ORDER

The application is rejected.

[URMILA JOSHI-PHALKE, J.]