

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3552 OF 2024

Mangesh Kondiram Jadhav

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Mr. Amin Solkar a/w. Mr. Gaurav Shenoy and Ms. Faiza Gawandi, Advocates for Applicant.
- Ms. Megha Bajoria, APP for Respondent – State of Maharashtra.

.....

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 08, 2025

P.C.:

1. Heard Mr. Solkar, learned Advocate for Applicant and Ms. Bajoria, learned APP for Respondent – State of Maharashtra..

2. Present Application is for Anticipatory Bail filed by a Gram Sevak working in village – Vadghar, Post- Dunge, Taluka - Bhiwandi. Complaint is filed by Complainant who had booked certain flats / galas in development project carried out by Mahavir Shrushti through Mahavir Patwa Developers and Construction Private Limited within limits of Kharbao and Paigaon villages, Bhiwandi.

3. The allegation against Applicant is that he was a Gram Sevak who at the then time may have been instrumental in preparing the No Objection Certificate and writing the minutes book of the Gram Sabha. It is *prima facie* seen that No Objection Certificate has been granted as far back in the year December -2012 pursuant to Minutes recorded in

Gram Sabha vide Resolution No.5/4 dated 26.12.2012 to Developer subject to NA permission before commencing construction.

4. *Prima facie*, the Applicant who is working as Gram Sevak is no authority in law to grant No Objection Certificate. He has to follow the orders. His indictment is merely because he was working in the office of the Gram Sabha. It is seen that the development in the present case commenced in the year 2012. The First Information Report is filed in the year 2017. In the year 2024, one of the Ex-Sarpanch called Gangadhar Jagnath Gulvi is arrested and in his Remand Application, Applicant is shown as a wanted Accused. Role of Applicant in any act is not made out or alleged. He has co-operated with the investigation and furnished all necessary records and details as available with him. He shall continue to do so on the grant of the present Application. His custodial interrogation is not necessary in such matter.

5. In view of the above observations, Anticipatory Bail Application stands allowed in terms of prayer clause (a) and following order is passed:-

- (i) In the event of the arrest, Applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.5,000/- with one or two sureties in the like amount;
- (ii) Applicant shall report to the Investigating Officer of the concerned Police Station as and when called for by the

Investigating Officer alongwith the requisite information / documents;

(iii) Applicant shall furnish particulars of his address and mobile numbers to the Investigating Officer within one week from today;

(iv) Applicant shall not misuse the liberty in any manner or influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence;

(v) It is directed that Applicant shall extend complete cooperation in the investigation of the instant case;

(vi) Any infraction of the above conditions shall entail revocation of this order.

6. Parties to act on a server copy of this order.

7. Anticipatory Bail Application is allowed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date: 2025.01.08
17:32:38 +0530