

MHTH230024092022 ANTICIPATORY BAIL APPLICATION**NO.1478/2022****KIRAN HARISHCHANDRA MHATRE
AND OTHER 05 V/S. STATE (VIRAR
POLICE STATION)****CNR NO. MHTH230024092022****ORDER BELOW EXHIBIT 4**

This an application for ad-interim anticipatory bail filed by the accused (1) **Kiran Harishchandra Mhatre**, (2) **Hemant Harishchandra Mhatre**, (3) **Rajesh Harishchandra Mhatre**, (4) **Dilip Harishchandra Mhatre**, (5) **Chandrakant Dattu Bandal** and (6) **Hitesh Chotalal Parmar** for the offences punishable under Sections 420, 447, 465, 467, 468, 471, 474 read with Section 34 of I.P.C., in Crime No. I-903/2022 registered with Virar Police Station.

2] According to the accused-applicants, land bearing survey no. 86/3, area 1.61.90 HR was allotted to accused-applicants by Government with certain restrictions. Prior to 20 years accused-applicants carried out some construction on said land thereby revenue authorities by order cancelled the allotment order of the applicants. Said order is challenged by the accused-applicants by way of appeal before revenue authorities. In the said appeal order of cancellation of allotment is set aside. It shows that at present also allotment is in favour of applicants. Further construction on the above said land is prior to 20 years. In spite of that informant lodged report alleging therein that accused-applicants carried out

construction on the said land without obtaining prior permission of competent authority and breached the conditions. Accused-applicants further submitted that due to registration of offence they are having apprehension of arrest in their mind. Hence, prayed to release them on ad-interim anticipatory bail.

3] Heard Ld. Advocate Shri. D. N. Patil for accused-applicants. Perused copy of F.I.R. and documents filed on record. Looking to the contention of accused, nothing is to be recovered from them. Hence, their immediate custodial interrogation is not warranted. Merits of Exh.01 can be decided after giving an opportunity of hearing to the prosecution. Till then interest of the prosecution can be safeguarded by imposing certain conditions. Hence, I pass following order.

:: ORDER ::

- 1] The application (Exh. 04) is allowed.
- 2] In the event of arrest of the accused **(1) Kiran Harishchandra Mhatre, (2) Hemant Harishchandra Mhatre, (3) Rajesh Harishchandra Mhatre, (4) Dilip Harishchandra Mhatre, (5) Chandrakant Dattu Bandal and (6) Hitesh Chotalal Parmar** for the offences punishable under Sections 420, 447, 465, 467, 468, 471, 474 read with Section 34 of I.P.C., in Crime No. I-903/2022 registered with Virar Police Station, **they** be released on ad-interim anticipatory bail in sum of Rs.15,000/- each (Rupees Fifteen

Thousand only) with a surety in the like amount each subject to conditions that :-

- 3] That the accused shall attend concern police station as and when required by the Investigation Officer under written intimation.
- 4] The accused shall co-operate investigation.
- 5] The accused shall not tamper with the prosecution evidence and prosecution witnesses.
- 6] The accused shall not leave the area in which they are residing without giving prior intimation of their new address to the I.O.
- 7] Issue notice to A.P.P. and I.O. returnable on 20/10/2022 to show cause as to why this order shall not be confirmed.

Vasai

Date : 12/10/2022.

(S. V. Khongal)

Additional Sessions Judge, Vasai.