

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.1562 OF 2010**

Sankalchand C. Jain & Ors.

)..Applicants

Vs.

The State of Maharashtra

)..Respondent

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Mr. Sudeep Pasbola i/by Rahul Arote for the applicants.

Smt. V. R. Bhosale APP for the State.

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**Coram : R.S.MOHITE,J**

**Date : 31st March, 2010**

**PC**

1 This is an application for grant of anticipatory bail. The applicants are shown as accused in C.R.No.I-68/2010 registered by the Manpada police station for alleged offences under Sections 436, 427, 120-B r/w 34 of IPC and under Section 3 of the Atrocities Act. The applicants own a company which has purchased 2 pieces of land at village Golivali, Taluka Kalyan. The company is a development company. The land has got several hutments situated therein and about 200 people are staying in that hutments. The company issued a notice on 5.11.2009 calling upon the hutment dwellers to produce their document if any, and vacate the land within 3 days. FIR indicates that some other accused are acting as slumlord and collecting rent illegally from the occupants of the hutments. One of the hutment caught fire on 15.3.2010 resulting in the destruction of 25 hutments. Complaints have been filed against other persons viz. Dattu Patil, Chandrakant Patil, Ramakant Patil, Krishna Patil, Raju Patil and Anil Gaikar who are said to be the henchmen.

Out of the aforesaid persons, Dattu Patil is the slumlord who is allegedly collecting rent. According to the applicants subsequently complainant has given a declaration/affidavit to the Investigating officer stating that he has no grievance against the aforesaid persons and the Investigating officer has recorded the supplementary statement of the complainant to the effect that the complainant has no grievance against the aforesaid six persons. Be that as it may, this is a very serious matter where the present applicants and their company have a strong motive to evict the slum dwellers. It is necessary that the investigation must not be hindered in such a case. The police have also invoked the provisions of Atrocities Act as some of the members are Schedule Caste & Schedule Tribes. Prima facie, for this reason also, anticipatory bail cannot be granted. Application is therefore, rejected. It is made clear that the Investigating officer will investigate this crime without in any way feeling limited or hindered by the affidavit/declaration said to have been given by the complainant subsequently and will also investigate as to how the affidavit/declaration came to be given by the complainant. It is made clear that the observations made in this application will not be used by the Court in any regular bail application which may be preferred by the applicants as also in the trial. Application stands disposed off.

**(R.S.MOHITE,J)**



