

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.209 OF 2015
WITH
CRIMINAL APPLICATION NO.303 OF 2015**

Shri Ashok Laxman Vani @ Shete & Ors.Applicants.
Versus
State of Maharashtra ...Respondent.

Mr. Kuldeep S. Patil, advocate for the Applicants.
Mr. S.S.Pednekar, APP for the respondent-State.
Ms. Mugdha J. Patil, advocate for the applicant-intervener present in Cri.
Appln.No.303 of 2015

**CORAM : MRS. MRIDULA BHATKAR, J.
DATED : April 6, 2015.**

P.C.:

The application is moved for anticipatory bail under Section 438 of the Cr.P.C. as the applicants-accused are facing charges under Sections 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code in C.R.No.35 of 2015 registered at Panvel City Police Station, New Bombay.

2 It is the case of the prosecution that in the year 2010, applicant-accused no.1 and the applicant-accused nos.2 to 7 made a forged power of attorney of Pramila J. Pote, their relative, who was

having equal share in the land and by affixing a photograph of some other lady. The said land was sold to one party. No share in the sale proceeds was given to Pramila. Pramila at the relevant time was not alive as she had expired on 1.8.1999. Legal heirs of Pramila were not informed and behind their back transaction has taken place. Thereafter son of Pramila in February, 2015 gave information to the police. Pursuant to which offence was registered against the applicants-accused.

3 The learned counsel for the applicants-accused had submitted that the applicant-accused nos.1 and 2 are the maternal uncles of the informant and the other accused are the maternal aunts and cousins of the informant. He submitted that it is a family matter. The applicants-accused are ready for settlement and they are ready to give share to the complainant and his brothers at the rate of market value though the land is sold for Rs.35,000/-. He is ready to give 2 lakhs rupees. He submitted that the applicant-accused no.1 has undergone by-pass surgery in April, 2014. He submits that earlier this Court has granted interim bail and it be confirmed.

4 The learned Prosecutor and the learned counsel for the complainant both opposed this anticipatory bail application. It is submitted that the applicants being the family members were aware of the death of Pramilabai yet they affix a photograph of some other lady. The learned

counsel for the informant/complainant submitted that the informant is not ready for compromise as he has filed suit for partition and also a suit that the said sale deed is not binding on him.

5 Applicants-accused and the informant are close relatives. Applicant-accused no.1 appears to have taken initiative and has played active role in preparing forged power of attorney in the name of Pramila. He acted as a power of attorney holder for other applicants-accused and Pramila. In view of the submissions made by the learned counsel for the applicants-accused and the complainant and the learned prosecutor, I am inclined to confirm order of interim pre-arrest bail of the applicant-accused nos.2 to 7, however, not inclined to grant pre-arrest bail to the applicant-accused no.1. Following order is passed:

(I) Pre-arrest bail to the applicant-accused no.1 Ashok Laxman Vani @ Shete is rejected. He is directed to surrender before the learned Magistrate on or before 9.4.2015 and the learned Magistrate may consider his application on merits independently.

(ii) In the event of arrest, the applicants/accused nos.2 to 7 shall be released on bail upon furnishing the same P.R.Bond and the sureties;

6 Intervention applications stands rejected.

(MRS.MRIDULA BHATKAR, J.)

