

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 787 OF 2015

Smt. Pratibha Pushpkumar Sharma ... Applicant
vs.
1. The State of Maharashtra
2. Mr. Mohamed Mustaq Ali Laljee Respondents

with
**CRIMINAL APPLICATION NO. 472 OF 2015
FOR INTERVENTION)**

Mr. Mohamed Mushtaq Ali Laljee Intervener

In the matter of :

Smt. Pratibha Pushpakumar Sharma Applicant
vs.
The State of Maharashtra Respondent

Mr. Ajay Kumar Singh , Advocate,for the applicant.
Mr. Vikram R. Sutaria for Intervener.
Ms. P.P.Shinde, APP, for the State.
Mr. M.V.Patil, PSI, Dharavi Police Station, Mumbai, present.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 20th July, 2015.

P.C.

Intervention Application is heard, allowed and disposed of.

Heard. This is an application under Section 438 of Cr.P.C.

The applicant is apprehending her arrest in C.R. No.235 of 2015 registered at Dharavi Police Station for the offences punishable under Sections 420,

465, 468, 471 read with Section 34 of IPC.

2. On 19.3.2015, Mr. Mohamed Mushtaq Ali Laljee gave a report to the Senior Inspector of Police, Dharavi Police Station alleging therein that he and his mother and sisters are landlord of the property known as Mohamedali Ismail Compound". One of the godown stands in the name of Pushpkumar Sharma, who is the proprietor of a unit. He is a tenant paying the rent of Rs.310/- per month. Pushpkumar Sharma and his wife had filed an application before the BEST and also obtained electricity connection in the name of the present applicant. At the time of obtaining the electricity connection, the applicant herein had filed several documents to the BEST Authority, including the rent bill No.2469 dated 10.1.2012 allegedly signed by the complainant showing therein that she had paid rent for January 2012 at the rate of Rs.440/- per month. The complainant had reported that in fact his mother and sister have filed AE Suit No.783/1266/2012 against Pushpkumar Sharma and others in respect of the same godown premises which is pending before the Small Causes Court at Mumbai.

3. It is the case of the prosecution that by a notice dated 17.5.2015, the PSI of Dharavi Police station had issued a notice to the present applicant informing her that the complainant had filed a report

against her and her husband to the police station alleging therein that the applicant herein had filed a fabricated document i.e. the rent receipt in order to obtain electricity connection in BEST.

4. By an order dated 16.7.2014, the learned Court had passed an order directing Pushpkumar Sharma to deposit rent at Rs.310/- per month from, 1.10.2010 to 31.6.2014. Pushpkumar Sharma was in arrears of rent from 1.10.2010. The rent receipt filed by the present applicant shows that she had paid rent for the month of January 2012. It was reported that she has fabricated the said document. On the basis of this report, the police authorities had initiated a preliminary enquiry. The applicant herein is apprehending his arrest and therefore had approached the Court of Sessions seeking pre-arrest bail. At the time of hearing, it was reported that no offence is registered and therefore, the application was withdrawn with liberty to file afresh after registration of the offence. In the preliminary enquiry, the officers had arrived at a conclusion that an offence was made out. They had enquired with BEST. The Authorities had informed the P.I. that the complainant had filed an application under RTI and the said document had been submitted to the complainant under the Right to Information Act. The offence was registered. By a notice dated 17.5.2015,

the applicant had been called for enquiry. Her statement was recorded on 21.5.2014 in which the applicant had specifically stated before the police that the original owner Laljee had expired in 2004. The son of the deceased i.e. the present complainant was insisting upon them to make payment of rent in his own name by cheque. However, they had refused to issue cheques in the name of the owner. According to her, they were in occupation of certain premises on Pagdi basis. In 2010, they had started a new unit of Processing Industry in the name of the present applicant. They have taken electricity connection in the name of the present applicant and she had submitted the rent receipt for seeking electricity connection. She had given contract to one agent namely Nafis Shaikh. She had forged the signature of complainant and submitted documents through Nafis Shaikh to the BEST. The offence is serious in nature since the applicant had admitted that she has forged and fabricated the said receipt.

5. The learned counsel for the applicant submits that in fact, she had not filed this rent receipt and that it was subsequently included and therefore, she does not know as to how the rent receipt has come into existence. The application under Section 438 of Cr.P.C. has been verified and affirmed on oath. The applicant feigns ignorance, whereas in fact, the

applicant has also disclosed the name of the person. The Investigating Officer has also recorded the statement of Mohamed Nafis. He has also disclosed to the police that he was the proprietor of an Electronic Shop. He was the agent and helps people who want connection from BEST. He is the licensed agent. According to him, in 2010, the present applicant had approached him. She has given the documents to him. She had given the rent receipt along with a PAN Card, registration of Unit of Processing Industries and the form which was already filled in. He has disclosed that he has only submitted the documents to the BEST. This would make amply clear that the present applicant had forged the signature of the owner and has fabricated the rent receipt.

6. In view of this, the application being sans merits, stands rejected.

(SMT.SADHANA S.JADHAV, J.)