

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1078 OF 2015

1. Smt. Pushpa Popatrao Nawale	
2. Aditya Shahaji Mane	... Applicants
Vs.	
The State of Maharashtra & Anr.	... Respondents

Mr. Satyajeet P. Dighe, Advocate for the applicants.
Mr. S.S. Pednekar, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **AUGUST 12, 2015**

P.C.:

This Application is moved for pre-arrest bail, as the applicants/accused are apprehending arrest for the offences punishable under sections 143, 147, 148, 149, 324, 452, 427, 323, 504, 506 so also under sections 465, 468, 471 which were subsequently added on 15th July, 2015 in C.R. No. 43 of 2015 registered with Deolali Camp Police Station, Nashik.

2. One Lognathan Thirumbalam gave information to the police that he has been residing in one bungalow at Farjindibaug, Rest Camp Road, Deolali Camp. Nashik since last four years. The owner of the bungalow Parveen Jahangir Farjindiya expired on 24th April, 2015. At that time, the said property was bequeathed to real sister's son Hanosh Mukadam, who is residing at New York, USA and the complainant is working as Manager/caretaker of the said property. Few days back, applicant nos. 1

and 2 came to bungalow and enquired whether the said bungalow was for sale or not. Thereafter on 5th July, 2015 at 2.30 p.m. applicant nos. 1 and 2 arrived along with 7 to 8 persons forcibly break down down the door. They were armed with wooden sticks and iron rod. They ransacked the house and applicant/accused nos. 1 and 2 claimed the possession of the said property forcibly. They assaulted two maids in the house. Thereafter, the people in the vicinity gathered there and, therefore, the applicants/accused along with their associates went away.

3. The learned counsel for the applicants/accused has submitted that the owner Praveen has bequeathed the property by will dated 12th February, 2015 in favour of applicant no. 1 out of love and affection. He submitted that applicant no. 1 has moved an application for entering her name in the revenue record. The matter is pending in the revenue office. He further submitted that the applicants/accused are innocent. They are falsely implicated in the case.

4. Learned APP opposed the Application and submitted that applicant no. 1 has forged the will dated 12th February, 2015. At present, the complainant is staying as manager in the said bungalow. The owner Hanosh Mukadam has executed power of attorney in favour of the complainant who is at present residing there as caretaker. He submitted that the police requires custody of the applicants/accused to verify

whether the will is genuine or not, as the offence of forgery is registered against the applicants/accused in respect of the will. He further submitted that the applicants have forcibly entered the house and ransacked the property. Hence, pre-arrest bail is not to be granted to the applicants/accused.

5. Perused the FIR, injury certificate and documents on record. The injuries sustained are simple in nature. If at all applicant no. 1 claims that she is the owner of the said house as it is bequeathed to her by will made by deceased Parveen, then she has to get such declaration from the Civil Court. On the title, Civil Court is competent Court. The will is typed, however, the specimen signature of applicant no. 1 can be obtained, for which applicant no. 1 is ready to cooperate the police. Considering this, I hereby confirm the interim bail granted by this Court on 29th July, 2015 to the applicants/accused on the same terms and conditions and attendance till filing of the charge sheet. Moreover, it is directed that applicant no. 1 shall not commit any such offence in future.

6. The Application for anticipatory bail is disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)