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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.40 OF 2016

Sangita Vinod Chavan & Anr. ..Applicants
Vs.
The State of Maharashtra & Anr. ..Respondents

Mr. P.B. Patil for applicant.
Ms. P.P. Shinde for State.
Smt. Pramila Sumansingh Thakur-Intervener present in person.

CORAM: A.S. GADKARI, J.

DATE : 21st January 2016.

P.C.

1 The applicants apprehend arrest in CR No.214 of 2015 registered with Buculla Police Station, Mumbai under Section 420, 464, 467, 468, 471 read with Section 34 of the Indian Penal Code.

2 The first informant Smt. Pranila S. Thakur, the trustee of the Vithoba Kanuji Lagad Charitable Trust has lodged the first information report. In the said report, it is stated that the said trust owns a landed property at Parel. That the said property consisted of three floors having 48 rooms. That in room no.8 earlier Mr. Dhondu Namugade was a tenant. From April 2005 to September 2006 Mr. Sudhakar Lagad and Mr. Pravin

Lagad used to collect the rent from the said building and used to submit photo copies of the receipts in the office of the trust. That Shri Mohammad Ashfaq Shaikh is an employee of the complainant and he collects rent from the tenants of the said property. In the year 2012 it was realised that many of the tenants did not pay the rent and there is substantial outstanding amount towards the rent. A notice was also sent to Mr. Dhondu Namugade which was returned by the postal department. In the month of December 2014, the said Mr. Mohammad Ashfaq Shaikh visited the said room no.8 wherein he noticed that the receipt of electricity bill was lying outside the said room. He also noticed that the said receipt is in the name of applicant no.1. He collected necessary information from the BEST Administration. After collecting the information from the BEST Administration, it was revealed that that the applicant no.1 has made an application for transfer of electric meter in 6.11.2008. It was also informed to the complainant that the legal heirs of Shri Dhondu Namugade transferred the said room by way of an affidavit in the name of applicant no.1. After verifying various documents submitted to the BEST Administration for transfer of electricity meter, it was revealed by the complainant that the rent receipt no.176 dated 16.7.2006 was forged and fabricated document and the same was submitted by the applicants while transferring the electricity meter from the name of

Mr. Dhondu Namugade to the applicant no.1. It is the specific case of the complainant that the applicants have forged and fabricated the rent receipt of the trust and submitted to the BEST Administration for transfer of electricity meter. In the premise the first information report is lodged.

3 The learned Counsel for the applicants submitted that the Police while submitting a report to the Sessions Court during the course of hearing of the anticipatory bail application has stated that the Lagad brothers have not attended the police station for the purpose of recording their statements. It is also stated in the said report that the original rent receipt has not been produced either by the Lagad Brothers or by the applicants and in the absence of verification of the signature or other vital aspects pertaining to the fabrication of the rent receipt, the applicants cannot be held responsible for the same. It is, however, to be noted here that in the concluding paragraph, the Police have stated that with a view to investigate the crime further on the aspect that who has prepared the forged and fabricated document, the said application preferred by the applicants may be rejected.

4 The complainant who is present in person submitted that with a view to transfer the electricity meter from the name of Shri Dhondu Namugade the applicants themselves have forged and fabricated the rent receipt no.176 and have submitted it to the BEST Administration. She also submitted that the applicants have not only cheated the trust but also the BEST Administration which is Government Undertaking.

5 I have perused the documents of investigation. From the said documents, it appears that the applicant no.2 is instrumental in forging and fabricating the rent receipts in the name of applicant no.1. After taking into consideration the material available on record, the serious allegations against the applicants and the gravity of the offence, I am of the considered view that the pre-arrest bail cannot be granted to the applicant no.2 Vinod Anant Chavan. As stated earlier, it appears that the applicant no.1 has not played any vital role in preparing the said fabricated rent receipt. Therefore, she can be protected by way of pre-arrest bail.

6 Hence, the following order:

(i) The application of pre-arrest bail of the applicant no.2 Vinod Anant Chavan is hereby rejected.

(ii) In the event of arrest of applicant no.1 Smt. Sangita Chavan in CR No.214 of 2015 registered with Buculla Police Station, she shall be released on bail on her furnishing PR bond of Rs.15,000/- with one or two solvent sureties in the like amount.

(iii) The applicant no.1 shall attend the Investigating Officer as and when called for between 10.00 a.m. to 12.00 noon. It is needless to mention that before calling the applicant no.1 to the police station, the Investigating Officer shall issue notice under Section 160 of Cr. P.C.

(iv) The applicant no.1 shall not tamper with evidence and/or influence the prosecution witnesses.

7 The application is partly allowed in the aforesaid terms.

(A.S. GADKARI,J.)