

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Amk

ANTICIPATORY BAIL APPLICATION NO. 132 OF 2016

Mrs. Suhasini Sunil Birwadkar

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Rahul S. Kulkarni for the Applicant.

Mrs. G. P. Mulekar, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 25th JANUARY, 2016.

P. C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending her arrest in Crime No. I-96 of 2015 registered with Revdanda Police Station, Raigad for the offences punishable under Sections 417, 420, 465, 467, 471 read with Section 34 of the Indian Penal Code.

2. The case of the prosecution in brief is that one Prashant Misal, who was the Sarpanch of village Korlai, issued a false certificate dated 22.09.2012 certifying that Rajaram Jadhav, grandfather of the complainant Shri Nanadkumar Mayekar, was a

resident of village Korlai despite knowing that said Rajaram had expired in the year 1996. It is alleged that based on such forged document the property belonging to Rajaram Jadhav was sold by Govind Ramji Olambe to the present applicant. Pursuant to the complaint lodged by said Nandkumar Mayekar, the aforesaid crime has been registered against the applicant and others. The applicant had filed an application for anticipatory bail before the Sessions Judge, Raigad. The said application has been dismissed vide order dated 09.12.2015. Hence, the present application.

3. Heard learned Counsel for the applicant and the learned APP for the State. I have perused the record and considered the submissions advanced by the Counsel for the respective parties. The FIR prima facie reveals that Rajaram Jadhav, grandfather of the complainant Nandkumar Mayekar owned a property under Survey No. 59/5 at village Korlai. The said Rajaram expired on 27.12.1996. The FIR lodged by said Nandkumar prima facie reveals that upon the death of Rajaram, he and his family members were in possession of the said property. The complainant has further alleged that the said Prashant Misal had entered into the said property in the month of November, 2012 and when he questioned him, said Misal had told

him that he had purchased the property from Rajaram Jadhav. The FIR prima facie reveals that the complainant was aware of the said sale transaction in the year 2012, despite which the complaint has been lodged only in the year 2015. An inordinate delay in lodging the complaint would not justify custodial interrogation.

4. The applicant is a permanent resident of Raigad district and there is no possibility of the applicant absconding. Furthermore there is no prima facie material to indicate that the applicant has criminal antecedent. Considering the above facts and circumstances, the applicant is entitled for anticipatory bail.

5. Hence the application is allowed in terms of the following terms and conditions:

(a) In the event of the arrest of the applicant in Crime No. I-96/2015 registered with Revdanda Police Station, Raigad the applicant is released on bail furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand only) with one surety in the like amount to the satisfaction of the Judicial Magistrate First Class, Murud.

(b) The applicant shall report the Investigating Officer for 7

days from 10 a.m. to 1 p.m. from the date of the receipt of this order.

(c) The applicant shall not interfere with the complainant or the other witnesses in any manner.

(d) The applicant shall not leave Raigad district till filing of the charge-sheet without prior permission of the Judicial Magistrate First Class, Murud.

(ANUJA PRABHUDESSAI, J.)