

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.59 OF 2017

Manjula Prakash Shelar

.... Applicant

versus

State of Maharashtra

... Respondent

.....

- Mr.Pratap Patil, Advocate i/b. Manoj. M. Kadam, Advocate for the Applicant.
- Ms.Sharmila S. Kaushik, APP for the State/Respondent No.1.
- Mrs.Prabha U. Badadare, Advocate for Respondent No.2.
- PSI – Mr.Rajkumar R. Adgare, Karjat Police Station, District-Raigad.

CORAM : MRS.MRIDULA BHATKAR, J.

DATE : 16th MARCH, 2017.

P.C. :

1. This application is moved for pre-arrest bail by the applicant/accused as she apprehends arrest in M.E.C.R.No. 41/16 of Karjat Police Station for the offences punishable under sections 201, 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code. The offence is registered at the instance of Nehal Dhanraj Dhadda on 11/03/2016.

2. It is the case of complainant that Nehal Dhadda has purchased a land from one Kapil Suresh Sahegal and when he found 7/12 extract, he came across entry of one Manjula Prakash Shelar. Therefore he filed private complaint in the Court of J.M.F.C. Karjat, that this Manjula is a fictitious person who is involved in the offence of extortion or cheating by creating forged documents. One Waman Hari Gharat, who is the original owner of the land, died on 26/02/2005 leaving behind two sons, wife and daughter Manjula Waman Gharat @ Manjula Pandurang Tare. It is the contention of the complainant that as the name "Manjula" was common, the applicant/accused by taking advantage of this situation, claimed her right in the land, though she is not truly daughter of Waman Gharat.

3. Pursuant to the private complaint, the learned Magistrate gave directions under section 156(3) of Cr.P.C. and inter alia the police investigated the offence and they registered offence under M.E.C.R.No.41/16, Karjat Police Station.

4. The learned counsel for the applicant/accused submitted that name of Manjula Prakash Shelar is appearing because she has earlier purchased 26 Gunthas land from Waman Gharat and has paid some amount. However, that transaction was not complete and therefore she approached son of late Waman Gharat by name Sambhaji Gharat. By way of arrangement, son Sambhaji Gharat informed Talathi that Manjula Shelar has right in the land and she is legal heir of Waman Gharat and therefore her name was entered in panchanama as legal heir and “Mulgi”(daughter) of late Waman Gharat. Therefore the offence is registered against the applicant/accused. She is innocent.

5. The learned prosecutor and the learned counsel for the complainant both have opposed the application. The learned prosecutor relied on the panchanama drawn by Talathi showing that Manjula Shelar is daughter of late Waman Gharat.

6. Heard and considered the submissions of the learned counsel and learned prosecutor. Perused the documents produced by the parties. The statement of Sambhaji Gharat, who has stated that he gave name of Manjula Shelar as legal heir, as daughter of his late father to Talathi, because previous transaction had taken place between father and Manjula Shelar. Therefore, prima facie, it appears that applicant/accused Manjula Shelar on herself did not tell or she did not represent herself as daughter of Waman Gharat before Talathi. Hence the application is allowed on the following terms and conditions :

ORDER

- (i) In the event of arrest, the applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.5,000/- with one or two solvent sureties in the like amount.
- (ii) The applicant/accused shall cooperate with the Investigating Officer and attend the concerned police station if called.

- (iii) The applicant/accused shall not tamper with the evidence or pressurize the complainant.
- (iv) The applicant/accused shall not indulge into any criminal activity.

7. The application stands disposed of on above terms.

(MRIDULA BHATKAR, J.)