

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.796 OF 2017

Mrs.Manpreet Baldevram Sharma	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Dilip Mishra i/by Ayaz Khan for Applicant.
Mr.Ajay Patil, APP, for State.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 10th July 2017

PC :

1. This is an application for bail. The Applicant was arrested in connection with CR No.276 of 2016 registered with Khar Police Station, Mumbai. The offences were registered under Sections 419, 420, 465, 466, 467, 468, 471, 474, 143, 147, 149, 427, 323, 506, 177, 182, 199, 120B of Indian Penal Code.

2. It is the prosecution case that the Applicant along with co-accused in order to grab the property, prepared false death certificates of the parents of the informant and on that basis and other documents, filed Testamentary Petition No.820 of 2012 before the High Court showing that the Applicant is the daughter of Smt.Kanta Kochar and obtained Letters of Administration. On the basis of the said Letters of Administration, an attempt has been made to take possession of the property of the informant and also made entry in the 7/12 extract. The deed of conveyance was executed on 31st November 2012 in favour of Applicant and co-accused. The

Applicant and the co-accused tried to take possession of the suit property and therefore it was revealed to the complainant that the accused are involved in fabrication of documents and initiating the proceedings before this Court under testamentary jurisdiction using said documents.

3. The Applicant was arrested on 27th August 2016. The investigation is complete and charge sheet has been filed. The Applicant preferred an application for bail before the Sessions Court which was rejected on 25th January 2017.

4. Learned advocate for the Applicant submits that the Applicant is in custody for a long period of time and further detention is not necessary. He pointed out the statement of one of the witnesses Mr.Ajay Sharma which was recorded on 1st September 2016. The said witness is the relative of Applicant. In the said statement it is reflected that the Applicant from time to time had informed the said witness that on account of illness of her husband, other accused had induced her to indulge into the activities which are subject matter of present matter. Learned advocate also pointed out that all other co-accused were granted bail by the Sessions Court. He has annexed copies of the orders granting bail to Hemendra Bosmia, Shiraj Rana, Ajay Mishra and advocate Wincent D'silva who was granted bail by the Trial Court. He submitted that all the accused had acted in connivance with each other and had committed offence. In view of grant of bail to other co-accused, the Applicant may be granted bail.

5. Learned APP opposed the application for bail. He submitted that the Applicant has played a major role in the crime. The

Applicant and others had relied upon false and fabricated documents which were used in the proceedings in the High Court. He submitted that false death certificate of the parents of the informant were obtained in which the Applicant has played a vital role. He further submitted that the Applicant has visited Mumbai from Punjab on several occasions for participating in the crime.

6. Perused the documents on record. From the documents it is apparent that the Applicant has been attributed the role of being participated in commission of the offence of forgery and cheating and using the forged documents for initiating Court proceedings. However, on perusal of the statement of one of the witnesses dated 1st September 2016, it appears that the Applicant was victimized by others. Of course, on the basis of said statement, the Applicant cannot be exonerated, however, the fact remains that all other accused in connivance with whom allegedly offence was committed, are directed to be released on bail and the Applicant is the only person who has remained in custody. The Applicant is arrested in August-2016 and since then she is in custody. The Applicant is a woman having three children. The Sessions Court while rejecting the application had observed that since major role is played by the Applicant, in case she is released on bail, the prosecution will hamper. It is pertinent to note that investigation is complete and charge sheet is already filed. The Applicant is resident of Punjab. Taking into consideration the aforesaid circumstances, bail can be granted to the Applicant.

7. Hence, I pass following order :

ORDER

- (i) Bail Application No.796 of 2017 is allowed;
- (ii) The Applicant is directed to be released on bail in connection with CR No.276 of 2016 registered with Khar Police Station, Mumbai on furnishing PR bond from Maharashtra, in the sum of Rs.30,000/- with one or more sureties in the like amount;
- (iii) The Applicant is directed to attend Trial Court proceedings on every date of hearing;
- (iv) The Applicant shall not change her residential without prior intimation to police;
- (v) The application stands disposed of.

(PRAKASH D. NAIK, J.)

MST