

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

ANTICIPATORY BAIL APPLICATION NO.1103 OF 2016

Shri Amol Ramesh Gharge-Patil ... Applicant

Vs.

The State of Maharashtra .. Respondent

**WITH
CRIMINAL APPLICATION NO.638 OF 2016
IN
ANTICIPATORY BAIL APPLICATION NO.1103 OF 2016**

Smt. Sukhada Sadanand Purav ... Applicant
(Intervener)

IN THE MATTER OF:

Shri Amol Ramesh Gharge-Patil ... Applicant

Vs.

The State of Maharashtra .. Respondent

Mr.S.R. Borulkar i/b M.A. Patil for the Applicant
Mr.Deepak Thakery, APP, for Respondent – State
Mr.G.R. Sawant for Intervener/complainant

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 23, 2017

P.C. :

1. This application is moved for pre-arrest bail as the applicant/accused is facing charges under sections 420, 182 r/w

section 34 of the Indian Penal Code in C.R. No.79 of 2016 registered with Panvel Police Station, District Raigad. The offence is registered at the instance of one Sukhada Sadanand Purav on 7.5.2016. She is the sister of the applicant/accused. It is her case that her mother was having a landed property and she died on 28.9.2014 and she made a will wherein by that will, she bequeathed the property to her only son Amol Gcharge-Patil. Thereafter, he gave an application dated 29.12.2014 for mutation of the said landed property. As per the case of the prosecution, taking advantage of the old age of the father, the applicant/accused, prepared one affidavit dated 17.12.2014, which is forged and also prepared one power of attorney of the father in favour of the applicant/accused i.e., the brother of the complainant. So, she gave FIR against the applicant/accused.

2. The learned Counsel for the applicant/accused submitted that the applicant is the brother of the complainant. Due to family disputes, he is falsely implicated in this case. He has not committed any offence of cheating against the complainant, who is his sister. He further submitted that the applicant/accused is ready for mediation.

3. Learned Prosecutor alongwith the learned Counsel for the intervener/complainant have opposed the application. They have submitted that the applicant/accused has forged the father's signature on the affidavit. It is submitted that the applicant/accused has not produced the original copy of the affidavit, so, it is not possible for the police to investigate. It is further submitted that the complainant has obtained a report of the hand-writing expert, one Hiralal Mehta, who has opined that the signature appearing on the will dated 5.12.2015 is not of Ramesh Gharge-Patil. It is submitted that the will of the father is forged by the applicant.

4. Perused the relevant documents. This is a family dispute between the brother and sister. Neither there are any allegations in the complaint in respect of forgery nor is any supplementary statement recorded to the effect that the will of the father is forged. The hand-writing expert's report pertains to the signature on the will. As per the complaint, by executing the affidavit before the revenue officer, the applicant/accused has taken advantage of the father's old age and tried to grab the property.

5. Considering the facts of the case, I confirm the interim anticipatory bail granted to the applicant/accused on 1.7.2016 on the same bail and terms. However, the applicant/accused shall attend the concerned Police Station as and when called and cooperate with the Investigating Officer. Both the parties are directed to explore the possibility of settlement.

6. Anticipatory Bail Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)