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

ANTICIPATORY BAIL APPLICATION NO. 1161 OF 2016

Sarla Rama Patil	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr. A. P. Mundargi, Senior Advocate a/w Mr. Mangesh Madhav Deshmukh,
for the Applicant.
Ms. Veera Shinde, APP for the State/Respondent.

CORAM : A.S. GADKARI, J.
DATE : 30th MARCH, 2017.

P. C. :

1. The applicant is apprehending arrest in C. R. No. I-50 of 2016 registered with CBD Police Station, Navi Mumbai under Sections 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code.
2. The First Information Report is lodged by Shri Sunil Pilaji Tambe, a clerk employed with CIDCO, Navi Mumbai. It is stated in the report that the Chief Controller (Unauthorized Construction) Shri Sanjay Dhonde from the CIDCO, Navi Mumbai inspected a building constructed in Sector 4A at Gat Nos. 200 and 201 having RCC structure Ground + 4 floors, on 16.12.2015 and thereafter realized that the documents submitted for getting permission from CIDCO, namely, the lease agreement, possession receipt issued by the CIDCO and tri-partite agreement between allottees or beneficiaries of 12.5% scheme, CIDCO and the developer, namely, Shri Devji Bhikha Chaudhary are bogus and

forged documents. It is further stated that by submitting the said bogus and forged documents, the developer/builder Shri Devji Chaudhary obtained Commencement Certificate and necessary permissions from Navi Mumbai Municipal Corporation and started construction of Ground + 4 storey building thereon. In the premise, the aforesaid FIR is registered.

3. It is to be noted here that the developer, namely, Shri Devji Bhikha Chaudhary had preferred Anticipatory Bail Application No. 1163 of 2016 in this Court which came to be rejected by speaking order. It further appears from the record that though the applicant was beneficiary of 12.5% scheme floated by the CIDCO in facts he never received possession of the said plot and taking undue advantage of illiteracy and lack of knowledge of the applicant and her family members, the developer Shri Devji Bhikha Chaudhary obtained signatures of the applicant on various documents which were subsequently submitted before the Navi Mumbai Municipal Corporation for obtaining permission for constructing the said building on the aforesaid plot of land. It appears from the record that the developer, after paying certain amount to the applicant, has obtained her signatures on various documents and the applicant has effected the signatures/thumb impression under the direction of the developer and other family members. It further appears to me that the applicant has not played any role in the present crime except putting her signature as per the direction of the other accused persons on the disputed documents.

4. In view of the above, I am of the opinion that the applicant is entitled to be protected by an order of pre-arrest bail.

5. Hence, the following order:

- (i) In the event of event of arrest of the applicant in C. R. No. I-50 of 2016 registered with CBD Police Station, Navi Mumbai, the applicant shall be released on bail on her furnishing PR bond of Rs.25,000/- with one or two separate local sureties in the like amount.
- (ii) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (iii) The application is allowed in the aforesaid terms.

[A. S. GADKARI, J.]