Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1808 OF 2016

Manju Ashok Jethamalani ... Applicant
Vs.
The State of Maharashtra ... Respondent

CRIMINAL APPLICATION NO. 63 OF 2017
IN
ANTICIPATORY BAIL APPLICATION NO. 1808 OF 2016

Mrs. Asha D. Goradia … Intervener
in the matter between
Manju Ashok Jethamalani ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Prashant M. Patil, Advocate for the applicant.
Mr. S.H. Yadav, APP for the State.
Mr. Mohan Tekavde, Advocate for the Intervener.
Mr. Ravindra A. Parkhe, P.S.I., Lonikand Police Station, Pune Rural present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **24th January, 2017.**

P.C.:

This Application is moved for anticipatory bail, as the applicant/accused is prosecuted for the offences punishable under sections 420, 467, 468, 471 r/w. 34 of Indian Penal Code in C.R. No. 459 of 2016 registered with Lonikand Police Station, Pune Rural. One Asha Goradia has given the complaint to the police on 17th June, 2016 that she has purchased one acre land out of Survey No. 1281 from Mouje Wagholi by registered sale deed dated 19th November, 1994 from Mr. Jayprakash Sitaram Goel and Jagdish Prakash Tilakchand. In 2016 she was asked telephonically whether she has sold the land or not and 7/12 extract is showing the name of owner as Manju Ashok Jethamalani. She verified the facts and found that somebody has executed a bogus power of attorney dated 24th April, 1995 and the said power of attorney has been notarized with J.P. Masand. On the basis of that power of attorney, she came across one sale deed dated 23rd February, 2016 of the said land which was in favour of Manju Ashok Jethmalani. The said power of attorney holder has executed the sale deed for the complainant and had sold the land by using two bogus witnesses. It is the case of the complainant that both the documents, i.e., power of attorney and sale deed are not executed by her and hence forged. So she approached the police and gave information and pursuant to which, the offence was registered at Lonikand Police Station. Hence, this Application.

2. The learned counsel for the applicant/accused has submitted that the applicant/accused is innocent and has not committed any offence. The husband of the applicant has paid cash of Rs.1,65,000/- to the complainant in the year 1995 when the complainant executed power of attorney in favour of the applicant/accused.

3. Learned APP and learned counsel for the complainant opposed this Anticipatory Bail Application. Learned APP has submitted that this is a bogus transaction and it is a case of forgery, hence the custody of

applicant/accused is required. He further submitted that the address given by the applicant/accused in the cause title of this Application is false. Moreover, the PAN number of the applicant/accused is also wrong. He further submitted that C.R. No. 63 of 2017 is also registered against the applicant/accused with Lonikand Police Station for the offences punishable under sections 420, 467, 468 of Indian Penal Code.

4. On perusal of the documents and after hearing the submissions of the learned counsel for the parties, I am of the view that it is completely a bogus transaction. On query, the learned counsel for the applicant/accused could not show whether any amount was paid in cash by the applicant/accused to the complainant. The most shocking aspect is that the alleged power of attorney was executed by the complainant in favour of the applicant/accused in 1994 and thereafter the power of attorney holder, i.e., applicant/accused has sold the said land to herself in the year 2016 and according to her, all the money was paid by the power of attorney to herself. It is forged and bogus transaction. Under such circumstances, the custody of applicant/accused is required. Hence, Anticipatory Bail Application is rejected.

5. Criminal Application No. 63 of 2017 is accordingly disposed of.

(MRIDULA BHATKAR, J.)