

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

ANTICIPATORY BAIL APPLICATION NO.2184 OF 2016

Neela Dnyanoba Gaikwad & Anr.

.... Applicants

versus

State of Maharashtra

... Respondent

Mr.Aniket Nikam, Advocate i/b. Aashish Satpute, Advocate for the Applicant.

Mr.S.H. Yadav, APP for the State/Respondent.

CORAM : MRS.MRIDULA BHATKAR, J.

DATE : 10th FEBRUARY, 2017.

P.C. :

1. This application is moved for pre-arrest bail by the applicants/accused. The applicants/accused are prosecuted for the offences punishable under sections 465, 466, 467, 468, 471, 472, 420 r/w 34 of the Indian Penal Code in C.R.No.568/16 of Pimpri Police Station.

2. The applicants/accused are the parents of the complainant. It is the case of prosecution that the mother has purchased a plot at Kalewadi, Pune in the year 1991 and

thereafter complainant and the brother, who is also accused in this case, have constructed one plus two storied house in the year 2010. As per the case of the prosecution the ground floor was in the name of father, first floor was in the name of the co-accused and second floor was in the name of complainant. In the year 2016, the complainant received a notice from Talathi that the house was sold to some other person and whether he has any objection. After receipt of this notice he went to the office of Talathi and on verification he found that the said house was sold to one Deepak Pandit Makane on 05/01/2016 for a consideration of Rs.50,00,000/-. As per the case of complainant, the second floor admeasuring 756 sq.ft. was in his possession and that could not have been sold. Further he found that revenue record was in respect of said floor and said record was forged and keeping him in dark, entire transaction was done. Therefore as it was a case of forgery he approached to police and offence was registered at C.R.No.568/16 under sections 465, 466, 467, 468, 471, 472, 420 r/w 34 of the Indian Penal Code.

3. The learned counsel for the applicants/accused submitted that the applicants/accused are the parents of complainant. They have not committed any offence. He further submitted that the co-accused brother was arrested and is now on bail. He further submitted that the house was built in the year 2010. It was submitted that in the year 2010 the complainant was 24 years old and therefore he did not have any money to contribute in the construction of the expenses of the house. The learned counsel submitted that he was given permission as an occupier and he was never owner of the said second floor. The learned counsel further submitted that the applicant/accused No.1 has filed complaint under the Domestic Violence Act, against the complainant, who had assaulted her on number of times.

4. The learned prosecutor opposed the application for anticipatory bail. The learned counsel for the complainant is also present. Both the counsel have submitted that the

applicants/accused and co-accused have committed offence of forgery and cheating. It is further argued that the documents i.e. property record i.e. the tax certificate and regulation certificate are forged by the applicants/accused and therefore they are not to be released on bail and their custody is required for interrogation.

5. Perused the FIR and other documents. Considered the submissions of both the parties. It is unfortunate case where the complainant is the son, who has registered case against his father, mother and real brother. The brother was in the custody and now is on bail.

6. Earlier interim bail was granted to applicants/accused on 22/12/2016. Considering the nature of offence, I am of the view that custodial interrogation of the applicants/accused is not required. Hence, I confirm the interim order dated 22/12/2016 on the same bail and bonds.

7. The learned Additional Sessions Judge, Pune, holding charge of application for anticipatory bail of the concerned police station, is requested to appoint mediator in this matter. Parties to appear before the learned Additional Sessions Judge on 20/02/2017 at 02.30 p.m.
8. The Registrar Judicial to communicate this order to learned Additional Sessions Judge, through Principal District Judge.
9. The application stands disposed of on above terms.

(MRIDULA BHATKAR, J.)