

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

ANTICIPATORY BAIL APPLICATION NO.100 OF 2019

Sachin Murlidhar Folane Applicant

versus

The State of Maharashtra Respondent

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- Mr.Kuldeep Patil, Advocate for Applicant.
- Ms.A.A. Takalkar, APP for the State/Respondent.
- PSI Suraj Kiran Gore, Alankar Police Station, Pune, present.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th JUNE, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.270/18 registered with Alankar Police Station, Pune, under sections 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code.

2. The FIR is lodged by one Mukund Madhukar Bhave in respect of forgery of Will of his Aunt Geeta Govind Bhave. Said Geeta Bhave was married to the first informant's uncle Govind.

Govind and Geeta were the owners of flat No.11, Meghranjani Co-op Hsg. Soc., Lane No.6, Dahanukar Colony, Kothrud, Pune. They were also owning one office No.8 in the same society and one car parking. Govind Bhave expired in the year 2001. Thereafter the present first informant and other relatives were looking after Geeta. Geeta herself expired on 12/12/2017. After her death proper proceedings were filed in Civil Court vide Misc. Application No.550/18 before Civil Judge, Senior Division. The first informant and others had obtained order from the Civil Court that one Narayan Bhave was the legal heir and was entitled to the inheritance of the property. The first informant and others on behalf of Narayan Bhave had taken possession of the property of Geeta.

3. Subsequently one Amol Ramchandra Jadhav claimed that said Geeta Govind Bhave had executed a Will on 03/12/2016. The Will contained signatures of two witnesses. One of them was Kunal Abhimanyu Dhavare. On further enquiries, the first informant found out that the present

Applicant and Amol Jadhav in conspiracy with each other, had created that forged document. On that basis the FIR is lodged.

4. Heard learned Counsel Mr.Kuldeep Patil for the Applicant and as well as learned APP Ms.A.A. Takalkar for the State.

5. Mr.Patil submitted that Will in question was registered on 11/10/2018 subsequent to the death of Geeta. He invited our attention to the statement of the witness Kunal Dhavare recorded by Sub-Registrar on 11/10/2018. It is mentioned in the statement that Geeta had signed the said Will in his presence. He therefore submitted that the Will was a genuine document and in any case the present Applicant had no role to play in creating that document.

6. As against this, the learned APP pointed out the statement of Kunal Dhavare was recorded on 01/12/2018 by the Police during the investigation. In that statement it is the

mentioned that the present Applicant and Amol Jadhav under false pretext took him to the office of Sub-Registrar and made him sign certain documents. He was unaware of the nature of the documents on which he was signing. The main accused concealed from him the purpose for which his signatures were taken. The investigation further reveals that comparison of the admitted signatures of the deceased Geeta on KYC documents are different from the signatures on the disputed Will. Thus, prima facie offence of forgery is made out. The statement of Kunal Dhavare clearly spells out the role played by the present Applicant in the entire episode. Custodial interrogation of the Applicant in this situation is necessary. Hence, there is no merit in the application. The application is rejected.

(SARANG V. KOTWAL, J.)