

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

ANTICIPATORY BAIL APPLICATION NO.766 OF 2019

Sagar Hansraj Kumat & Ors.

.... Applicants

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Hrishikesh Mundargi i/b. Mr.Subir Sarkar, Advocate for Applicant.
- Mr.Kuldeep Nikam, Advocate for Intervener.
- Mr.S.R. Agarkar, APP for the State/Respondent.
- PN (1088) Mr.S.R. Gaikwad, Ghoti Police Station, Nashik, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 14th JUNE, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.22/19 registered with Ghoti Police Station, Nashik, under sections 420, 464, 468, 471 r/w 34 of the Indian Penal Code.
2. The FIR is lodged by one Anupama Chhajed on 17/02/2019. According to her FIR, her maternal grandfather

Himatmal Pukhraj Kumat had become old and he was unable to hear and see properly. It is mentioned in the FIR that the Applicant Nos.1 and 2 claimed that he had executed a Will in the year 2005. Therefore the first informant made enquiries and obtained the facts of the disputed Will. It is the case of first informant that the said Will was a forged document. Signature on that Will was not a genuine signature. It is further mentioned that the Applicant Nos.4 and 5 had signed the Will as the witnesses and taken part in the conspiracy. Applicant No.3 is a Doctor who had certified about the medical fitness of the executant and thus was a part of the conspiracy. On these allegations, the FIR was lodged. Applicants are apprehending arrest in this connection.

3. Heard learned Counsel Mr.Hrishikesh Mundargi for the Applicants, learned Counsel Mr. Kuldeep Nikam for the original first informant and learned APP Mr.S.R. Agarkar for the State.
4. Mr.Mundargi pointed out that the disputed Will is a registered document. It is duly registered with sub-Registrar

Igatpuri on 07/10/2005. The registered document shows that the executant was present at the time of registration of the Will.

5. He also pointed out that the first informant had instituted a Civil Suit against the present Applicant, in which the genuineness of the Will is in question.
6. Mr.Nikam, learned Counsel for Intervener, submitted that if the executant of the Will wanted to bestow that property of the Applicant Nos.1 and 2, he would have done this by gift deed and there was no necessity to execute any Will.
7. Considering all these submissions, prima facie, it appears that the Will was duly registered before the Sub-Registrar. The executant of the Will was himself present at the time of registration. At this stage, it is difficult to infer that the registered document was tampered with or that the said person was forced to sign the Will. The matter is pending before the Civil Court where the genuineness of the Will shall be ultimately

adjudicated. At this stage, prima facie, it is difficult to hold that any offence of forgery is committed and therefore custodial interrogation of the Applicants, who have respectful position in the society, is not warranted. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.22/19 registered with Ghoti Police Station, Nashik, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) The Applicants shall attend Ghoti Police Station as and when called.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)