

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.907 OF 2019

Mahesh Shripati Bhosale] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Uday Warunjikar, Advocate for the Applicant.

Ms. S.S. Kaushik, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 4th JULY, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R. No.233/2018 registered with Alankar Police Station, Pune (City) u/sec. 420, 406 of I.P.C.

2. The FIR is lodged by one Vimal Pansare. In short, her complaint is that, her elder son Yuvraj and the first informant herself were owning the flat bearing no.7, 3rd Floor, Sarthak Apartment, Kothrud, Pune. The flat was purchased in the year 2005. Yuvraj was married to one Varsha in the year 2009. The first informant with her other son

and daughter were residing at Shrirampur. The flat was locked and the keys were with the first informant. In the year 2015, Varsha came to her and asked for the keys of the flat. In good faith, the first informant gave her the keys. Thereafter, in the year 2018 when the first informant came to Pune, she found that the third person namely Balwant Sasave was residing in that flat. On further inquiry, the first informant came to know that the present applicant had sold that flat to Balwant Sasave. The first informant came to know that the applicant had purchased that flat from the informant's daughter-in-law Varsha. According to the first informant, Varsha did not have any authority to sell that flat as the first informant was co-owner of the flat. It is the contention of the first informant that the applicant in collusion with Varsha had committed this offence. On this basis, the FIR was lodged against the present applicant as well.

3. Heard Mr. Uday Warunjikar, Ld. Counsel for the Applicant and Ms.S.S. Kaushik, APP for the State/Respondent.

4. The applicant has annexed the copy of the agreement between the applicant and Varsha dated 03/03/2016. The said agreement

which is annexed to the present application bears the name as “Varsha Yuvraj Pansare” as the executant of the document. It appears that at the end of the agreement the words “Varsha Yuvraj Pansare” were written by hand. The rest of the writing was printed.

5. Today, Ld. APP has produced another copy of the same agreement. The copy is taken on record and marked “X” for identification. The said copy is collected from the first informant during investigation. Ld. APP submits that, it is the case of the investigating agency that, the copy of the said agreement was given to the informant by the applicant himself. The copy which is produced by the Investigating Officer bears the name as Smt. Vimal Suryakant Pansare on the last page as the executant of the document. The name is printed and there is no over writing or hand written words. Thus, it is apparent that there is major discrepancy between both these copies. Thus, at this stage, there is sufficient material against the present applicant that, in collusion with other accused ; he had deprived the first informant of her rightful ownership and possession of the flat. Considering the nature of forgery in respect of the document and the manner in which the possession of the flat was

taken away from the first informant, custodial interrogation of the applicant is necessary. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)