

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

ANTICIPATORY BAIL APPLICATION NO.1030 OF 2019

Umesh Chandrashekhar More **...Applicant**

Vs.

State of Maharashtra **...Respondent**

Mr. Priyal G. Sarda I/b. Sachin T. Zalte, for the Applicant.

Smt. A. A. Takalkar, for the State.

Mr. Ranganath Bapu Unde, IO, Pimpri Police Station.

CORAM : SARANG V. KOTWAL, J.

DATE : JULY 03, 2019

P.C.:

1. The applicant is seeking anticipatory bail in connection with C.R. No.339/2019 registered with Pimpri Police Station, Pimpri Chinchwad, Pune under Section 467, 468, 471 r/w. 34 of IPC and under Section 82 of the Indian Registration Act.

2. The FIR is lodged by one Aniruddha Sontakke who was working in the office of the Sub-Registrar at Haveli Pune. In the FIR, it is mentioned that on 1/4/2017, a will was registered at the Sub-registrar's office. The document was registered vide

Registration No.5856/2017. That 'will' was purportedly executed by one Mangesh Dinkar Kulkarni. The present applicant who was an Advocate had identified the executant of the will. The document shows that the executant as well as the present applicant were present in the Sub-registrar's office.

3. Subsequently, the informant's office received correspondence from the authorities indicating that the present Mangesh Kulkarni was a fictitious person and some imposter had appeared at Sub-registrar's office for registration of that document. Based on these allegations, the FIR was lodged.

4. Heard Mr. Sarda, Ld. Counsel for the applicant and Smt. Takalkar, Ld. APP for the State.

5. Mr. Sarda submitted that the document i.e. the 'will' which was registered was a genuine document and the person was also genuine. The offence is registered at the instance of an RTI activist with malafide intentions. He submitted that there is no forgery involved in this case. He further submitted that the applicant had nothing to do with the alleged document and

deserves protection of anticipatory bail.

6. Ld. APP pointed out the nature of deep conspiracy planned and executed by the applicant. The case of the Investigating Agency is that there was no such person by name Mangesh Kulkarni in existence. The accused got the will executed in respect of the property which never stood in the name of Mangesh Kulkarni. The Will was registered on 1/4/2017. Thereafter, the accused showed that Mangesh Kulkarni expired within eight days of registration of the will and the accused procured death certificate from the Nagar Panchayat, Jamkhed showing that Mangesh Kulkarni had died on 9/4/2017. The death certificate was issued by Nagar Panchayat, Jamkhed on 11/4/2017. The investigation further revealed that even this death certificate was obtained fraudulently and the record about death of Mangesh Kulkarni was manipulated. The investigation showed that one Giri who was the beneficiary under the will had made application before the Revenue Authorities for bringing his name on record in respect of the said property. The investigation also shows that one Kimaya Kulkarni claiming to be Mangesh's

daughter had made an application before Jamkhed Nagar Panchayat on 10/4/2017 for obtaining the death certificate. Said application bears signature of the present applicant.

7. At every stage, the applicant's active participation is made out. He was present when the disputed will was registered. The applicant's signature also appears on the application made by one Kimaya Kulkarni for obtaining death certificate. Ld. APP rightly pointed out that the Will itself mentioned that he had no family. Therefore, that Kimaya Kulkarni also was a fictitious person. Considering all these aspects, it is very clear that the applicant has taken active part in creating forged documents which were used for transferring the property thereby attempting to deprive the original owners of their rightful ownership. In this view of the matter, custodial interrogation of the applicant is necessary. Hence, the application is rejected.

(SARANG V. KOTWAL, J.)