

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

ANTICIPATORY BAIL APPLICATION NO.1631 OF 2018

1) Lilavati Biharilal Gupta;
2) Biharilal Gajadhar Gupta; and
3) Anil Biharilal Gupta .. Applicants

Vs.

State of Maharashtra .. Respondent

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Mrs.Prabha Badadare, Advocate for the Applicants.
Mr.R.M. Pethe, APP for the Respondent - State.
Mr.S.S. Kulkarni, API,Thane Nagar Police Station, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 4, 2019.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.I-49 of 2018, registered with Thane Nagar Police Station, thane, for the offences punishable under Sections 420, 460, 463, 465, 467, 468, 504 and 506 read with 34 or Indian Penal Code.

2 The case of the prosecution is that the disputed premises was entrusted to applicant no.1 in the year 2008, and, thereafter, she went to her native place. She returned after a period of about four months. It was noticed that applicant no.1

had prepared a document in the nature of sale-deed for transferring the property in her name. The said sale-deed were allegedly executed on 28th September, 2010. The complainant alleged that she was hospitalized on the date of execution of the sale-deed and the said document is forged.

3 Learned counsel for the applicants submitted that the said sale-deed is signed by the complainant and her husband is witness to the sale-deed. It is further submitted that the amount towards consideration has also been transferred into the account of the complainant, which is fortified by the bank statement of applicant no.1. It is further submitted that in the reply filed by the prosecution, opposing the application for anticipatory bail filed by the applicant, it is stated that the amount was parted to the complainant after the date of the alleged sale-deed.

4 Learned APP submitted that during investigation, it was revealed that the complainant was hospitalized at the relevant time and the question of her executing sale-deed does not arise and apparently the said document is false. Learned counsel for the applicants, however, submitted that the amount was credited in the account of the complaint, which is reflected in the bank statement. It is further stated that the complainant has

filed civil suit challenging the sale-deed, which is pending before the competent Court. Applicants were granted interim protection vide order dated 23rd September, 2018. In accordance with the said order, applicants had attended the police station. In the circumstances, interim order dated 23rd August, 2018, can be confirmed.

5 Hence, I pass the following order:

:: ORDER ::

- (i) In the event of arrest of the applicants in connection with C.R. No.I-49 of 2018, registered with Thane Nagar Police Station, Thane, they be released on bail on their furnishing P.R. Bond in the sum of Rs.15,000/-, each, with one or more sureties in the like amount;
- (ii) Anticipatory Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)