IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 624 OF 2020

Mrudula Narottam Jinandra @
Mrudula Narendra Jinandra & Ors. ...Applicant

Versus

The State of Maharashtra ...Respondent

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Bhavesh Parmar a/w. Vivekanand Akshali a/w. Sonal Dayma i/b. Shukla Devmani Jagdish, Advocate for the Applicant.
Deepak Thakre (PP) a/w. Y. M. Nakhwa, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 18th MARCH, 2020.

PC :

1. The applicants are apprehending arrest in connection with C. R. No. 147 of 2019, registered with Marine Drive Police Station, Mumbai, for the offences punishable under Sections 419, 420, 465, 466, 468 and 471 of Indian Penal Code, 1860 ('IPC' for short). The First Information Report ('FIR' for short) was registered on 5th October, 2019.

2. The case of the prosecution is as follows:

(i) The complainant is the Administrative Officer of the Garvare Club House, situated at Wankhede Stadium, D. Road Churchgate, Mumbai – 400 020. The complainant was appointed as authorized person by the Club. The complaint was forwarded to police stating that Smt. Mrudula Narendra Jinandra her sons Uday Narendra Jinandra and Himanshu Narendra Jinandra had presented false and fabricated documents to the Club and obtained membership.

(ii) Garvare Club was established in 1974, there are different kinds of membership. Persons intending to become member of the club are required to follow terms and condition in accordance with rules and thereafter, the membership is provided to them. The current procedure followed by the club for issuing new membership is to fill up the form by the member alongwith Birth Certificate, Marriage Certificate, details of family, residence, identity, income proof etc. The documents are required to be forwarded alongwith the application with introduction by member who has completed 5 years of membership. The application is also required to be supported by one member, who has completed 5 years and 4 members, who has completed 3 years of membership. The proposed member is interviewed. After filling the procedure the membership is allotted. The member is required to pay membership fee of Rs. 25,00,000/- (Rupees Twenty Five Lakhs). Identity Card is issued to them. Which is also subject to rules and regulations and procedure. In the event of death of member, his wife can apply for membership. The documents for membership submitted by applicants. Documents are verified by the committee and membership is given to wife of the member. Piyush Shah alleging that, the applicants had produced false and fabricated documents and had obtained membership, also forwarded the documents related to Income Tax, uploaded from the website which indicate the variation in the name reflected on the website and the documents forwarded by the applicants.

(iii) Enquiry was conducted. The applicants who were asked to produce the original documents by Order dated 3rd October, 2017. Original documents such as Adhar Card, Voter ID etc. They produced the original Adhar Card. The names were found to be similar. They also submitted that, their house were demolished and complaint was lodged vide C.R. No. 300 of 2017 on 5th July, 2017 under Sections 324, 141, 143, 144, 148, 427, 323 of IPC. The matter was submitted to the Managing Committee. The applicants were asked to produce relevant documents. There was variation in the PAN card submitted by the applicant Nos. 2 and 3 and the information reflected on the website of Income Tax relating PAN card.

Explanation was called from the applicants by issuing Show Cause Notice. The applicant standard explanation, it was revealed that in the Election Voter list, the names of the applicants were mentioned that Mrudula Narendra Jinandra, Uday Narendra Jinandra and Himanshu Narendra Jinandra. The committee decided to hold enquiry. Enquiry Officer was appointed. Enquiry was conducted. Report was submitted to the committee. It was held that the applicant had obtained membership by deceiving the Club.

3. The applicants had preferred an application for Anticipatory Bail before the Sessions Court. Interim protection was granted to them by Order dated 24th October, 2019. The application was rejected by Order dated 7th March, 2020.

4. Learned Advocate for the applicant submitted that the applicants are prosecuted out of vendetta. The custodial interrogation of the applicant is not necessary. The applicant No. 1 is Senior Citizen. The applicants were members for long time. They have not indulged in commission of any offence. Undisputedly, the application for membership of the applicants was made by Narottamdas. During his lifetime, his name and signature and the said application were duly scrutinized and analyse by the committee

members of the club, before granting membership to the applicants. The applicant no. 2 and 3 were enjoying membership. Even prior to becoming independent members upon attending age of 21 years, in their capacity of minor children of late Mr. Narottamdas. The applicants had challenged the termination of membership. They have filed Suit No. 3045 of 2019 before the City Civil Court, Mumbai challenging the termination. Original documents are in the custody of police. Custodial interrogation of the applicants is not necessary. The applicants were granted interim protection by the Sessions Court. They have co-operated with the investigation.

5. Learned PP submitted that the applicants have obtained membership on the basis of false and fabricated documents. They had prepared false and fabricated documents to show that Narottamdas was husband of the applicant No. 1 and father of the applicant Nos 2 and 3. Custody of the applicants is necessary for recovery of original documents and for interrogation. Learned PP pointed out the information received by the police, from the college in respect to applicant No. 2 indicating that, his name is shown as Jinandra Uday Kumar Narendra Kumar. The said letter was issued by the college in pursuant to the letter forwarded by the Investigating Officer. He also pointed out the School Leaving Certificate relied by applicant No. 2. His name is mentioned as Jinandra Uday Kumar

Narottamdas. Thus, document was submitted at the time of membership application to Garvare Club in 1995. It is submitted that this is forged document, where name of Narottamdas has been added. He also pointed out the letter issued by Income Tax Department to the Investigating Officer, whereas name of the applicant No. 2 was reflected as Uday Narendra Jinandra. Applicant No. 3 as Himanshu Narendra Jinandra in the PAN card dated 10th January, 1996 and 3rd January, 1999. He also pointed out the forged PAN card of the applicant No. 1 submitted to the club and the forged PAN card of applicant Nos. 2 and 3 where the name of Narottamdas was mentioned as their father. He pointed out several documents.

6. I have perused the documents on record. Narottamdas Jinandra was member of Club. He filed application for joining the applicant, as members of the Club by mentioning that, the applicant No. 1 is wife and applicant Nos. 2 and 3 are his sons. On the basis of applications, the applicant joined as members of the club. Narottamdas expired in 2012. The applicant No. 1 filed application in 2012 after death of Narottamdas for giving membership of the Club to her in capacity of wife of deceased. The applicants relied upon FIR No. 300 of 2017 registered against Alpesh Ajmera and Manish Ajmera at Borivali Police Station, Mumbai on the basis of report lodged by applicant No. 2 and Writ Petition No. 1901 of 2017

filed by applicant No. 2 before Hon'ble High Court against Construction Firm of those two persons. It is alleged that one of the aforesaid person is the Treasurer of the Club and other person is his son. They had grudge against the applicants and have induced the informant to lodge FIR. Assuming that the membership is given to the applicants, on the basis of application filed by Narottamdas, it is not their contention that the applicant Nos. 1 to 3 were not aware the fact that Narottamdas filed an application with the Club for joining them as member of the Club by mentioning names of applicant Nos.1 to 3. Their names are mentioned as Mrudula Narottamdas Jinandra, Uday Narottamdas Jinandra and Himanshu Narottamdas Jinandra. They have been enjoying membership of the club in those names. The other documents prima-facie supports, the allegation in FIR. The applicant have submitted false and fabricated PAN cards to show that those names are Mrudula Narottamdas Jinandra, Uday Narottamdas Jinandra and Himanshu Narottamdas Jinandra. Documents shows that Narottamdas was married to Shantiben and not applicant No. 1 Mrudula. Narendra Jinandra is brother of Narottamdas Jinandra. Family of Narendra consisted of Narottamdas himself and his wife Shantiben. The names of applicants are not available on the Ration Card of Narrotamdas. In the Election Card of Shantiben, her name is mentioned as Shantiben

Narottamdas Jinandra. There is material to show that the documents which are false and fabricated were utilized for obtaining membership. The applicant No. 1 is a lady, aged about 69 years. Considering her age and the fact that she is a lady, in stead of subjecting her to custodial interrogation, she can be directed to co-operate with the investigation. The role attributed to the accused is of serious nature. Considering the material on record, the applicant Nos. 2 and 3, are not entitled for grant of Anticipatory Bail.

7. Hence, I pass the following Order:

<u>O R D E R</u>

i) Application for Anticipatory Bail qua applicant No.1, is allowed;

ii) In the event of arrest of applicant No. 1 in connection with C.R. No. 147 of 2019, registered with Marine Drive Police Station, Mumbai, she be released on bail on her executing P. R. Bond in the sum of Rs. 25,000/(Rupees Twenty Five Thousand)-with one or more sureties in the like amount;

iii) Applicant No. 1 shall report investigating officer on 26th and 27th March, 2020 between 11.00 am.

to 01.00 pm. till conclusion of trial;

iv) Anticipatory application qua applicant No. 2 and applicant No. 3, stand rejected;

v) Anticipatory Bail Application No. 624 of 2020, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)