

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

ANTICIPATORY BAIL APPLICATION NO. 606 OF 2021

Dipak Rajendra Mashal Applicant

Versus
The State of Maharashtra Respondent

Mr. Rushikesh S. Kale, for the applicant.
Mr. S.H. Yadav, APP for the State/Respondent.

**CORAM: SARANG V. KOTWAL, J.
DATE : 4th MARCH, 2021**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.47 of 2021 registered at Vijapur Naka Police Station, Solapur on 27/1/2021 under sections 394, 465, 467, 471, 420, 506 read with Section 34 of the Indian Penal Code.

2. Heard Mr. Rushikesh Kale, learned counsel for the applicant and Mr. S.H. Yadav, learned APP for the State.

3. The FIR is lodged by one Bhangareva Mahadev Badgure. She has stated that her husband Mahadev passed away on 3/8/2020. She has three sons Rajshekhar, Chandrashekhar and Vijaykumar. From the tenor of the FIR it appears that the first informant has some dispute with Rajshekhar and Vijaykumar's families. Vijaykumar is missing since past three years. The FIR describes the properties in the form of amounts deposited in bank, her ornaments etc. According to her, there was an amount of Rs. 70 lakhs deposited with a credit society in the name of her husband and there were Rs. 20 lakhs in the joint account held with the husband. It is alleged in the FIR that in August 2020, Rajshekhar's son Rakesh i.e. her grand son forcibly took her thumb impression on some papers. On 25/8/2020, Rakesh, Rajshekhar, wife of Rajshekhar and Vijay beat her and took her ornaments forcibly. She went to reside with Chandrashekhar. When she made inquiries, she came to know that the amount deposited in the bank were transferred in the names of

her two daughters-in-law, Rajashree and Sharda, based on some affidavit purportedly executed by the informant herself. Thus, in general there are allegations against families of her two sons, Vijay and Rajshekhar. The applicant's role is mentioned in the context that he was also instrumental in creating forged documents and obtaining her thumb impressions. These are only general allegations against the present applicant.

4. Learned Counsel for the applicant submitted that the applicant is roped in, because he is one of the witnesses on the registered Will executed by the informant's husband Mahadev. The applicant is not concerned with the family dispute. There is no material against him.

5. Shri Yadav, learned APP, on instructions of the investigating officer who is present in the Court, accepted that the photograph and thumb impression on the registered Will was that of Mahadev i.e. the informant's

husband. It was executed in the year 2018 and the applicant had made his signature on that document as a witness.

6. I have considered these submissions. In the FIR there are only general allegations against the applicant without mentioning any details. The allegations of obtaining the thumb impression of the informant and removal of ornaments are against her grand son Rakesh and other family members. The registered Will of Mahadev shows that Mahadev had not raised any dispute or any grievance at the time of registration of his Will. Therefore, at this stage, there is sufficient doubt created in respect of the allegations made by the informant against the present applicant.

7. Therefore, the applicant can be protected by an order of anticipatory bail but he will have to attend the concerned Police Station and will have to co-operate with the investigation

8. Hence the following order is passed.

ORDER

- (i) In the event of his arrest in connection with C.R. No.47 of 2021, registered with Vijapur Naka Police Station, Solapur, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall co-operate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)