

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**ANTICIPATORY BAIL APPLICATION NO.246 OF 2022**

REKHA DNYANESHWAR AAPTE  
VERSUS  
THE STATE OF MAHARASHTRA

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Mr. U. L. Telgaonkar, Advocate for applicant.  
Mrs. Vaishali Patil – Jadhav, Advocate for the respondent – State.

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**CORAM : SMT. VIBHA KANKANWADI, J.**

**Reserved on : 23.03.2022**

**Pronounced on : 12.04.2022**

**ORDER :-**

1. The applicant is apprehending her arrest in connection with Crime No.19 of 2022 registered with Udgir City Police Station, Dist. Latur for the offences punishable under Sections 420, 467, 468, 471 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. U. L. Telgaonkar for the applicant and learned APP Mrs. Vaishali Patil Jadhav for the respondent – State.

3. It has been vehemently submitted on behalf of the applicant that she is the Municipal Councillor of Udgir Municipal Council and has been falsely implicated at the instance of the rival political party. The letterhead of the applicant has been misused. She had not signed any letter. In fact, the death certificate in question was issued by the

Municipal Council, Udgir. Custodial interrogation of the applicant is not required and no recovery is contemplated. She is ready to abide by the terms of the bail.

4. Learned APP has strongly opposes the application and submitted that the informant, who is the public figure, was not supposed to issue documents unless the contents regarding the same are not verified. The present applicant has issued certificate about heirship and letter stating one Parmeshwar Subhashrao Kendre expired on 20.09.2021 in his house at Vikas Nagar, Udgir and that he is survived by his wife Rajeshri and son Avadhoot. In fact, informant who lodged the report vide Crime No.19 of 2022 is said Parmeshwar Subhashrao Kendre. He is still alive, yet such kind of certificate has been issued by her. Definitely, it would have been at the request of Rajeshri, who is having now strained relationship with Parmeshwar. In his FIR, the informant has stated that his mother expired on 06.08.2020 and, thereafter, the relationship between him and the wife became strained. Some days they were staying together, but thereafter when wife asked him that she would go to her parental house, he permitted and accordingly, she went to her parental house, but did not return. In fact, Rajeshri is the daughter of the informant's maternal uncle, yet since 2022 she has not returned for co-habitation and then she has started taking documents in the nature of

death certificate of the informant and it has been certified by the present applicant. When such activities are being done by a Corporator, she does not deserve discretionary extraordinary relief.

5. At the outset, it is to be noted that basic contents of the FIR reflected above and therefore, they are not required to be repeated. The informant has lodged the report on 18.01.2022 when he came to know that such documents have been issued by the present applicant and his wife is collecting such documents in order to grab the property. Informant has stated that there is house in Vikas Nagar which was belonging to his father and he has ancestral property of 6.5 Acre and a plot at village Bothi, which is their native place. The applicant herself has produced on record two documents, which are alleged to be issued by her. First in time appears to be issued on 29.09.2021 and styled as 'Shifaras Patra'. The literal meaning of 'Shifaras Patra' is Recommendation Letter. How there can be a recommendation in respect of death of a person is a question. It is on the letterhead of the applicant and in that letter, she has stated that she is certifying that Parmeshwar Subhashrao Kendre was resident of Vikas Nagar, Ward No.16, has expired on 20.09.2021, who died in his house in Vikas Nagar due to illness. Thereafter, it is stated that the certificate should be issued in respect of his death. Whether any Act really needs such kind of letters

from a Municipal Councillor. As per the Registration of Births and Deaths Act, the near relative can give information about death of a person to the Municipal Authorities/Local Authorities in the prescribed form and then the entry would be taken in the respective register. There is absolutely no provision of recommendation letter of anybody to be accompanied while such registration to be done. The Municipal Councillor, who appears to be also a Special Executive Officer, should know this kind of basic law. The another document she has given is the heirship certificate. Under which provisions of law, she can issue such certificate is a question. In fact, the said format appears to be available with Vikas Stationary Mart, Udgir and the Investigating Officer should take a note of this fact. It has been stated that she is certifying that Parmeshwar Subhashrao Kendre has expired on 20.09.2021 by leaving following heirs and the names of his wife and son have been recorded. The last sentence is more important. It is stated that the said certificate has been issued for Court purposes. Which law permits her to issue such kind of certificate itself is a question and then she is giving that document for the purpose of Court proceedings. That means, the intention behind it is to create a piece of evidence. Another interesting aspects have come on record through police papers. The wife and son of the informant have already filed Civil Miscellaneous Application

before the Civil Judge Junior Division, Udgir which is an application for grant of legal Heirship Certificate under Section 8 of the Bombay Regular Code, 1827 and interestingly, the said certificate has been issued by the Second Joint Civil Judge Junior Division, Udgir on 22.12.2021. Other documents have also been produced and a document styled as “Panchanama” has also been collected. That panchanama shows that Parmeshwar Subhashrao Kendre i.e. the informant was residing in Ward No.16 since about 25 years and the panchas had visited (the date of visit is kept blank) and the panchas came to know from the family members as well as adjoining persons that such person had taken birth. Now whether it was in respect of his birth or death is a question, but panch No.2 is the husband of the applicant, who has signed on the document. Panch No.4 is shown as Jayshri Parmeshwar Kendre. Name of the wife of the applicant is Rajeshri, then who is this panch is a question. Even the death certificate has been prepared by the Municipal Council, Udgir. Other documents in the form of death certificate of Subash Sheshrao Kendre i.e. father of the informant has been prepared and his date of death is stated to be 10.02.2021. Whereas, according to the informant, his father expired in the year 2015. One more death certificate is of Shashikala Subhash Kendre i.e. the mother of the informant and she is stated to have expired on 06.08.2020. The registration of the entries

regarding death of Subhash and Shashikala have been done on 01.07.2021. This cannot be said to be the co-incidence. The wife of the informant has filed affidavit before Civil Judge Junior Division, Udgir. Further, it can also be seen that as regards the registration of death of Shashikala also, the applicant had given certificate and the panchanama has been done and again at Sr. No.2, husband of the present applicant has been shown as panch. Again in respect of father of the informant similar kind of certificate has been given by the applicant and again on the panchanama, husband of the applicant has signed as friend of deceased. When all these documents have been created and they appear to have been used in a Court proceedings, this is not a fit case whether the discretionary extraordinary relief should be granted.

6. It will have to be observed that it is very much painful that a near and near one of a person shows him as dead and then on the basis of such created documents, heirship certificate is procured. The intention would be only to grab the property. There is *prima facie* case that the applicant has helped the wife of the informant in collection of such documents and, therefore, the application stands rejected.

[SMT. VIBHA KANKANWADI, J.]

scm