

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.301 OF 2022

1. Shravan Gangaram Patil
 2. Pritiraj Lala Patil
- ... Applicants

Versus

The State of Maharashtra

... Respondent

...

Mr. V. B. Patil, Advocate for applicants.

Mrs. Vaishali Patil Jadhav , APP for the respondent – State.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 16.03.2022

PER COURT :

. The applicants are apprehending their arrest in connection with Crime No.521 of 2021 registered with Dhule City Police Station, Dist. Dhule for the offences punishable under Sections 420, 465, 467, 468, 471, 404, 120-B of Indian Penal Code.

2. Heard learned Advocate Mr. Vijay B. Patil for the applicants and learned APP Mrs. Vaishali Patil Jadhav for the respondent – State.

3. It has been vehemently submitted on behalf of the applicants that the applicants have been falsely implicated. They are not the beneficiary of the alleged document which have been stated to be forged. They are

not directly or indirectly involved in the crime. Already the informant had filed proceedings under the Bombay Regulation Act for getting certificate about heirship to which the accused No.1 has raised objection. It is then stated that the informant is not from Class-I or Class-II heirs of the deceased as per the Hindu Succession Act and she will not get any succession to the movable or immovable property left by deceased Deokabai. The informant has adopted the novel tactics and registered a false offence. When the civil dispute is going on, then the criminal Court cannot go into the rights of the parties. The fact which is not in dispute is that the husband of Deokabai expired about 20 years ago and after him, accused No.1 – Jitendra had taken care of the deceased. Therefore, it appears that Deokabai had desire to adopt Jitendra. So also, in the year 2016 itself, she had nominated Jitendra for her accounts with post office and other bank. The said adoption deed is legal and correct and, therefore, the applicants, who are only the witnesses to the document; their physical custody is not required. The applicants are ready to abide by the terms of the bail. The applicants are aged 76 and 62, suffering from illness and therefore, their personal liberty be kindly protected.

4. Learned APP strongly opposes for grant of any interim relief taking into consideration the role attributed and submits that since the

matter is coming for the first time, she is yet to receive the papers.

5. The FIR has been lodged by one Vimal Jagannath Patil stating that Devakabai was her sister-in-law. Devakabai had no issue. Informant's brother Ramkrushna was the husband of Devakabai, who appears to be the Government servant, therefore, the family pension was received by Devakabai. Devakabai was Corona positive and seriously ill on 15.11.2020 and, therefore, she was admitted in I.C.U. at Shraddha Hospital, Dhule. She was under treatment there till 23.11.2020. She expired at about 4.00 p.m. on 23.11.2020 and it was told that she has died due to Covid Pneumonia. The informant, thereafter, knocked the doors of Civil Court by filing Suit No.215 of 2020 for heirship, but it is stated that it was objected by accused No.1 – Jitendra. Said Jitendra told that he was adopted by deceased Devakabai. According to the informant, with the help of forged document, said Jitendra want to grab the property of deceased Devakabai. She has taken the documents and it was noted that one adoption deed was got executed on 21.11.2020 in which it is stated that Devakabai had adopted Jitendra in 2016. This document is only a notarized document. Obvious question is, if already in 2016 there was legal adoption, then why there was necessity to have such kind of document. Another fact to be noted is that admittedly, Devakabai was admitted in I.C.U. on 21.11.2020 when that document

was allegedly got executed. Now, the applicants have produced on record letter written by Notary Advocate Suresh R. Bagul to Medical Officer Shraddha Hospital, Dhule that Devakabai's signature and thumb mark is required on the adoption deed and, therefore, they be permitted. Even the Medical Officer of Shraddha Superspeciality and Multispeciality Hospital has given a certificate on 18.11.2021 that during the hospitalization, the relatives had economic problem of treatment to the patient and, therefore, for cash withdrawal from bank, the relatives were requesting to I.C.U. doctors. On 21.11.2020, after giving permission, some relatives come with lawyer in Covid I.C.U. for taking signature and thumb from patient in front of Covid I.C.U. doctors. The first and the foremost fact is that if such permission would have been granted by the concerned Medical Officer, he himself has violated the Covid norms. When such patient suffering from Covid cannot be allowed to be in contact with the general public, how he could have allowed either lawyer or some other person to enter I.C.U. and even that ward appears to be dedicated for the treatment of Covid patients. The Medical Officer could not have put the health of the other persons at risk. Another fact is that the alleged adoption deed does not bear the certificate of the doctor that Devakabai was in the fit state to give signature. Therefore, there appears to be the room to infer, at this stage,

that there is substance in the say of the informant that those documents are forged. The present applicants have been posed as witnesses to the document. No case is made out to exercise the discretionary and extraordinary relief in favour of the applicants. Application, therefore, stands rejected.

[SMT. VIBHA KANKANWADI, J.]

scm