

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

ANTICIPATORY BAIL APPLICATION NO.600 OF 2022

VASANT RAMKISHAN GOTAMUKALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Patil Milind Madhukar
APP for Respondent : Mrs V S Choudhary

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CORAM : SARANG V. KOTWAL, J.

Dated: June 08, 2022

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PER COURT :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.19 of 2022 registered with Udgir City Police Station, District Latur for the offence punishable under sections 420, 467, 468, 471 r/w 34 of the Indian Penal Code.

2. The FIR is lodged by one Parmeshwar Kendre. He was married to one Rajashri on 11.5.2011. After their marriage, the informant alongwith Rajshree, his parents, brother and brother's wife were residing together at Vikasnagar. House was owned by the father of the informant. He also had the ancestral land at village Bothi. Informant's father died in the year 2015,

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mother died in 2020 and his brother died in 2019. Since 2020 the informant's wife deserted him and started residing with her parents. After some days, the informant came to know that his wife had obtained the informant's death certificate and had filed proceedings in the Court as legal heir of the informant. The informant sought further information and took out copies from the court, which included his own death certificate and his father's death certificate. He made further inquiry and found that his wife had made an application with undertaking to the Municipal Council, Udgir for obtaining informant's death certificate. That application was accompanied by a panchnama mentioning that the informant had expired. This panchnama is signed by four panchas and his wife. Present applicant is one of the panchas, who had signed that panchnama. On the basis of that panchnama the informant's death certificate was obtained. It was used in the Court proceedings. On this basis FIR is lodged.

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3. Heard Mr. Patil, learned counsel for the applicant and Mrs. V.S Choudhary, learned APP for the respondent State.

4. Learned counsel for the applicant submitted that the applicant was protected by interim order. He had attended the police station and has given specimen signatures. He submitted that, therefore, his custodial interrogation is not necessary. The applicant had genuinely believed that the informant had died because there were already two deaths in the informant's family.

5. Learned APP, on the other hand, strongly opposed the application. She submitted that it is a serious offence and based on the same panchnama, false death certificate was obtained, which was actually tendered in the Court proceedings. The applicant's malafide intention is clearly spelt out, and, therefore, anticipatory bail should not be granted to him.

6. I have considered these submissions. The offence is indeed serious. The informant was very much alive

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and his wife had obtained his death certificate. In obtaining such death certificate, panchnama signed by the applicant was the basis. Without this panchnama, death certificate would not have been issued. It is unacceptable that the applicant had signed the panchnama under the bonafide belief. The panchnama was a document, which the panchas had signed to endorse its contents as per their own knowledge. Therefore, it is more clear that the applicant, was in collusion with the informant's wife Rajshree and had actively helped her in creating forged death certificate. The death certificate was used in the Court proceedings. Therefore, considering the gravity of the offence, anticipatory bail cannot be granted. Custodial interrogation of the applicant is necessary. Hence, the following order.

ORDER

Anticipatory bail application is hereby rejected.

(SARANG V. KOTWAL, J.)

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