

1) Mr. Paramjit Singh Makhan Singh Nanra
2) Mr. Jasbir Singh Makhan Singh Nanra Applicants
v/s.
The State of Maharashtra Respondent

Mr. Murtaja Nazmi with Mr. Mahender Singh, Mr. Jigar K. Agarwal and Mr. Ramesh Singh for the Applicants.
Ms. M.M. Deshmukh, APP for the State.
Mr. Ramesh Dhaigude, API, Waliv Police Station, Palghar.

CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 14th MARCH, 2022.

P. C. :-

. This is an Application under section 438 of Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R.No.1003/2021 registered at Waliv Police Station for offences punishable under sections 406, 420, 465, 467, 468 and 471 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Murtaja Nazmi, learned counsel for the Applicants. He states that the aforesaid crime has been registered against the Applicants in view of the order under section 156(3) Cr.P.C. He states that there is a civil dispute between the Applicants and his paternal uncle in respect of the galas and other properties which were originally

owned by the parents of the Applicants. He states that the complainant had earlier lodged the FIR alleging that the Applicants had forged the documents and created a fake leave and license agreement in the name of their mother and in favour of Respondent No.3. The Investigating Officer had filed the closure report stating that the dispute was of civil nature. It is only after filing of the closure report that the Respondent filed Application under section 156(3) of Cr.P.C.

3. Ms. M.M. Deshmukh, learned APP for the State submits that the Applicants are in possession of indemnity bond and that the Investigating Officer has not been able to recover the indemnity bond even though the Applicants have reported to the Investigating officer after the order passed by the Sessions Court. She submits that the presence of the Applicants is required for recovery of the said indemnity bond.

4. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

5. The crime against the Applicants has been registered pursuant to the order under section 156(3) in a petition filed by one Jatinder, the

paternal uncle of the Applicants. The complainant – Jatinder had alleged that his mother had purchased gala no.8 situated in the same floor of the building at Chinchpada, Vasai and that she had given it on leave and license basis. His mother expired on 25/08/2014 and thereafter, his paternal uncle and Makhan Singh was looking after the properties and was accepting rent of the said premises. He claimed that the father of the Applicants did not give them any money received towards rent. The first informant claimed that in the month of February, 2017, he learnt that the accused no.2 – Champalal was in possession of the said gala and that said Champalal informed him that the Applicants herein had put him in possession of the said gala and had permitted him to use the same for the period from 01/04/2016 to 31/03/2019. The first informant claims that the Applicants had forged the leave and license agreement. They have misappropriated the rent received from the accused no.3.

6. A bare reading of the complaint prima facie shows that the dispute is of civil nature. Moreover, a civil suit between the parties in respect of the same gala is pending adjudication. The first information report lodged by the Complainant – Jatinder Singh on the same set of facts, had been closed as the dispute was of civil nature.

7. Considering the above facts and circumstances, in my considered view, this case does not justify custodial interrogation. Hence, the Anticipatory Bail Application is allowed on following terms and conditions :-

(a) In the event of arrest of the Applicants in C.R.No.1003/2021 registered at Waliv Police Station, they shall be released on bail on furnishing bail bonds in the sum of Rs.20,000/- each (Rupees Twenty Thousand each) with one or two sureties each in the like amount ;

(b) The Applicants shall report to the Investigating Officer for one week from 21/03/2022 between 11:00 a.m. to 02:00 p.m.

(c) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

8. The Application stands disposed of.

**PREETI
H JAYANI**

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(SMT. ANUJA PRABHUDESSAI, J.)