IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 673 OF 2022

Mrs. Bharati Surendra Khandhar …. Applicant
v/s.
The State of Maharashtra …. Respondent

Mr. Murtaza Najmi i/b. Ms. Asha Joshi for the Applicant.
Ms. Rutuja Ambekar, APP for the State.
Mr. Prashant Satam, P.I., Dadar Police Station.

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 Applicant apprehending her arrest in C.R.No.935/2021 registered with Dadar Police Station, Mumbai for offences punishable under sections 420, 465, 467, 468, 471 of the Indian Penal Code.

2. Heard Mr. Murtaja Najmi, learned counsel for the Applicant. He submits that there is a dispute between the landlord and the Society which was registered in the year 1996. He states that pursuant to the Application filed by the owner-cum-developer M/s. Prabhu Parshva Investment Co. Pvt. Ltd., the Society has been de-registered w.e.f. 23/05/2019. The present crime against the Applicant has been

registered after de-registration of the Society on the basis of the FIR dated 07/12/2021 lodged by Himmat Gaware on behalf of the owner-developer. It is alleged that the Applicant had forged and fabricated the share certificates in respect of Gala No.308, 309 and 310 and has sold the said galas on the strength of the said forged and fabricated documents. On the basis of the said first information report, the aforestated crime has been registered against the Applicant.

3. The records indicate that the Applicant is in possession of the said galas since the year 1995. The records prima facie indicate that the share certificate at Sr. Nos.61, 62 and 63 have been issued in the name of the Applicant and that the same have been signed by the Chairman, Secretary and the Treasurer. The Secretary – Bhupendra Doshi claims that on 07/02/2020, the meeting in respect of the Society office was taken in the gala of the Applicant since the Society office could not accommodate all the members. He claims that he had left the society records and share certificate book in the said premises. He claims that share certificate No.61, 62 and 63 do not bear his signature. Perusal of the share certificate book reveals that the counter foils of the share certificate stands in the name of the Applicant. Moreover, the said certificates are also signed by the Chairman and Treasurer. There is

also no material on record to show that the signature of the Chairman and the Treasurer are forged. A perusal of the Application under section 21 lodged by the owner-cum-developer also indicates that the allegations were made against the Society for having issued illegal certificates. It was not alleged that the share certificates issued by these Applicants were forged and fabricated. Be that as it may, the question whether these share certificates are forged or genuine, will have to be decided on merits of the matter.

4. Considering the nature of the allegations levelled and in the absence of any prima facie material of forgery, the Applicant cannot be held guilty for custodial interrogation. Hence, the Anticipatory Bail Application is allowed on following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.935/2021 registered with Dadar Police Station, Mumbai, she shall be released on bail on furnishing bail bonds in the sum of Rs.20,000/- (Rupees Twenty Thousand) with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer for a period of four days from 21/03/2022 to 24/03/2022 between 11:00 a.m. to 02:00 p.m.

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

5. The Application stands disposed of.

PREETI
H JAYANI

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PREETI H JAYANI
Date: 2022.03.19
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(SMT. ANUJA PRABHUDESSAI, J.)