

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 815 OF 2022

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Arjun Shivram Ramgir

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr. U.R. Agandsurve for the Applicant.

Mr. Y.Y. Dabke, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 28 MARCH 2022

P.C.

1. The Applicant, apprehending his arrest, in connection with the investigation of Crime No. 664 of 2021 registered with Vijapur Naka Police Station, Dist. Solapur under Section 380, 420, 465, 467, 468, 471, 504, 506 read with Section 34 of IPC, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 25.12.2021 lodged by Swati Dahihande. The allegation is that Applicant has signed a Will purportedly executed by Narendra Dahihande on 14.12.2020. Mr. Narendar Dahihande (since deceased) happens to be the father-in-law of the informant. The allegation is that the Will was executed by

impersonation by an importer claiming to be Mr. Narendra Dahihande.

3. I have heard the learned counsel for the parties. Perused record.

4. It is not disputed on behalf of the Applicant that he has signed the Will as one of the attesting witness. The contention is that Applicant had signed as an attesting witness on the basis of the identification of the testator by an Advocate and Notary public. Reliance is placed on the order dated 23.02.2022 passed by this court in Criminal Anticipatory Bail Application No. 259 of 2022 by which co-accused Parasnath Narayankar has been granted anticipatory bail.

5. The learned APP has submitted that parity may not apply as Parasnath Narayankar had only notarised the alleged Will, on the basis of the identification by an Advocate.

6. I have considered the circumstances and the submissions made.

7. It is necessary to note that the Applicant has not disputed that he has signed the Will as an attesting witness. If that be so, the Applicant cannot prima facie escape liability for the alleged

execution of Will by impersonation. This is because the identification of the testator and the fact that the testator has signed the Will in the presence of the attesting witness, is the gist of the requirement of attestation. If at all the Applicant was not knowing the person by name Narendra Dahihande, there was no occasion for him to have signed the Will as an attesting witness. The requirement of the Will being attested by atleast two witnesses has specific object and purpose to be achieved. It is a sacrosanct act. No case for grant of pre-arrest bail is made out.

8. The criminal application is accordingly rejected.

9. It is made clear that observations herein are for the limited purpose of deciding the application for anticipatory bail and the Sessions Court shall not be influenced by the same at any subsequent stage of consideration of application for regular bail, if any.

(C.V. BHADANG, J.)