

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 950 OF 2022

Manohar Joma Mhatre & Ors.	...Applicants
Vs.	
The State of Maharashtra	... Respondent

Mr. Niranjan Mundargi a/w. Mr. Saurabh D. Butala, for the Applicants.

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

Mr. M. G. Bachkar PSI N.R.I. Sagari Police Station, Navi Mumbai.

**CORAM : C.V. BHADANG, J.
DATE : 7 APRIL 2022**

P.C.

1. The Applicants, apprehending arrest, in connection with investigation of Crime No. 3/2022 of Police Station N.R.I. Sagari, Navi Mumbai, under Section 182, 193, 420, 465, 466, 467, 468 and 471 r/w. 34 of IPC, are seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 1 January 2022 lodged by Kishor Bhanudas Haval.

3. It appears that there is a dispute between the Applicant on one hand and the Complainant and others about the heirship of

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one Jankubai Bhoir. It transpires during the course of hearing that Jankubai had her first marriage with Krishna Dhondu Mhatre from which she had a daughter by name Shantabai Mhatre. Jankubai entered into second marriage with Mahadev Mirajkar from whom also there are descendants. In the limited scope of Section 438 of Cr.P.C., it is neither possible nor appropriate to go into any such dispute more so when it is stated that the dispute about grant of heirship certificate filed by the Complainant and others is pending before the Competent Civil Court. It also transpires during the course of hearing that on 8 February 1999 Shantabai Mhatre had obtained the heirship certificate of the properties of Jankubai Bhoir. Shantabai happens to be the mother of the present Applicants.

4. At least, *prima facie*, it appears that the dispute is predominantly of a civil nature about the heirship of Jankubai Bhoir. It also transpires that Complainant and others had filed proceedings for grant of heirship certificate before the Competent Court in the year 2010 which Application is pending.

5. The learned APP made an attempt to point out certificate record from the office of the City and Industrial Development Corporation Ltd (CIDCO). Normally it would be for the Competent Civil Court, dealing with the heirship dispute, to look into all such documents / record, which is relevant for the purpose.

6. In my considered view, the Applicant can be directed to join the investigation.

7. In the result, the following order is passed.

ORDER

(i) In the event of their arrest, in connection with investigation of Crime No.3/2022 of Police Station N.R.I. Sagari, Navi Mumbai, the Applicant No.1 Manohar Joma Mhatre, Applicant No.2 Damodar Joma Mhatre, Applicant No.3 Shashikant Joma Mhatre, Applicant No.4 Jijabai Nathuram Madhavi and Applicant No.5 Surekha Ramakant Patil, be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties each, in the like amount.

(ii) The Applicants shall report to the Investigating Officer on 14/4/2022 and 15/4/2022 between 11.00 a.m. to 1.00 p.m. and shall cooperate with the Investigating Agency and shall produce such record / documents as may be requisitioned.

(iii) The Criminal Application is disposed of, in the aforesaid terms.

C.V. BHADANG, J.