

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

ANTICIPATORY BAIL APPLICATION No. 986 OF 2021

VAISHALI	Sunita Kerunath Manera	...Applicant
ANIL	Vs.	
TIKAM	The State of Maharashtra	...Respondent

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VAISHALI
ANIL TIKAM

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Mr. Ganesh K. Gole i/b. Aarif Ali M. Ali for Applicant
Smt. J.S. Lohokare, APP for the State/Respondent

**CORAM: SARANG V. KOTWAL, J.
DATE : 18th JANUARY, 2022
(Through Video
Conferencing)**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R. No. 40 of 2021 dated 3/3/2021 registered at Kinhavli Police Station, Thane, under sections 420, 467, 468, 471 and 474 of the Indian Penal Code.
2. Heard Mr. Ganesh Gole, learned counsel for the Applicant and Smt. J.S. Lohokare, learned APP for the State.
3. The FIR is lodged on 3/3/2021 by Namdeo Bhusare who was working as gramsevak with grampanchayat

Shirvanje. He has stated that a marriage certificate was produced in a Court proceedings showing that the applicant was married to one Kerunath on 11/1/2016. According to the first informant, such marriage was not recorded in any Register of grampanchayat and therefore the marriage certificate was forged. On this basis the FIR is lodged.

4. Shri Gole, learned counsel for the applicant made submission in respect of the history behind the relations between the applicant and the deceased Kerunath. The subject matter is of course a forged marriage certificate regarding marriage between the applicant and Kerunath. Kerunath had passed away in August, 2016. Thereafter an application was made before the Court of Civil Judge, Senior Division at Thane for succession certificate, vide Miscellaneous Application No. 53 of 2016. The application was made by Kerunath's mother and the present applicant. According to Shri Gole, Kerunath's first wife Bhavna was creating hurdle in getting this succession certificate. Shri Gole invited my attention to Decree of

Divorce passed on 01/10/2015 dissolving the marriage between Kerunath and Bhavna. Shri Gole also invited my attention to a letter given by one M.K. Pawar, who claimed to be a Gramsevak in the relevant period when the marriage certificate was issued. This letter was given on 18/3/2021 at the request of the present applicant. In that letter this M.K. Pawar has stated that the marriage certificate was genuine.

5. Shri Gole also relied on birth certificate of the applicant's son who was adopted by the deceased Kerunath. According to Shri Gole, the applicant and Kerunath were residing as husband and wife. The applicant relied on marriage certificate given to her by Kerunath and therefore she has not committed any offence with the requisite knowledge.

6. This application is pending since last year. The Applicant is protected by granting interim relief on 6th April, 2021.

7. Learned APP fairly concedes that the Applicant has cooperated with the investigation. There is a possibility

as submitted by Shri Gole that the said certificate was created by the Applicant's husband Kerunath and there is a equal possibility that the Applicant could have created it. However, at this stage, it is difficult to find the truth and the investigation, of-course will go on. On the basis of these facts, it is unfair to allow the applicant's custodial interrogation. The Applicant is a lady and certain doubt is created about her exact role. Therefore, instead of custodial interrogation, the Applicant can be directed to attend the investigating agency, as and when called and to cooperate with the investigation.

8. Hence, the following order:

ORDER

- (i) Anticipatory bail application is allowed.
- (ii) In the event of her arrest in connection with C.R. No.40 of 2021 registered with Kinhavli Police Station, Thane, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand

Only) with one or two sureties in the like amount.

- (iii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iv) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)