

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

ANTICIPATORY BAIL APPLICATION NO. 2278 OF 2022

Ramdas Kashinath Ugle & Ors.

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Abhijeet Kandarkar for the Applicant.

Mr. A.A.Palkar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 23rd AUGUST, 2022.**

P.C.

1. The Applicant has sought pre-arrest bail in Crime No. 50 of 2022 registered with Saikheda Police Station, Niphad, Nashik for offences punishable under Section 420, 467, 471 r/w. 120B of Indian Penal Code.

2. Heard Mr. Kandarkar, learned Counsel for the applicant and Mr. Palkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Manohar Padhye. The Complainant is the nephew of Bhalchandra Padhye, who was a bachelor and died in the month of June 2008. The Applicant herein claims that said Bhalchandra Padhye had executed a Will in favour of the Applicant Nos.1, 2 and 3 in the month of June 2008 bequeathing is 1/4th share in the Joint Family Property. The

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Complainant disputed the genuineness of the said Will and has claimed that the said Will is false and fabricated. The records prima facie reveal that on the basis of the said Will the Applicant Nos.1, 2 and 3 got their names mutated in the survey records. The Complainant and others had challenged the said mutation entry in Appeal No.29 of 2021. The records reveal that the Complainant was well aware that the Applicant Nos.1, 2 and 3 were claiming right to the property on the strength of the Will purportedly executed in their favour by Bhalchandra Padhye. The Complainant had lodged the FIR on 4.4.2022. There is considerable delay in lodging the FIR. The question whether the Will is fabricated or genuine will have to be adjudicated at trial. Considering the above facts and circumstances, this is not a case which would justify custodial interrogation. Hence the application is allowed on the following terms and conditions:

- (i) In the event of arrest of the applicant in Crime No.. 50 of 2022 registered with Saikheda Police Station, Niphad, Nashik, the Applicants be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) each with one or two sureties in the like amount;
- (ii) The Applicants shall report to the Investigating Officer for four days from 29.08.2022, and as and when required by the Investigating Officer for the purpose of investigation and interrogation.

- (iii) The Applicants shall not interfere with the complainant and the other witnesses in any manner.
- (iv) The Applicants shall provide their permanent as well as temporary address, if any, and their contact details to the Investigating Officer.
- (v) The Applicants shall not change their residential address without prior intimation to the Investigation Officer.

(ANUJA PRABHUDESSAI, J.)