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

**ANTICIPATORY BAIL APPLICATION NO.2566 OF 2022
WITH
INTERIM APPLICATION NO. 4156 OF 2022**

Mrs. Marina Johnson Nadar
@ Marina Lukas Manickan ..Applicant
vs.
State of Maharashtra ..Respondent

Ms. Ashwini C. Gaikwad, for applicant.
Mr. Sagar M. Kursija, for Intervener.
Mr.S.V. Gavand, APP for respondent-State.
PI- Bhushan Dayma, Mulund Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 15, 2022

P.C. :

1. Heard learned counsel for the applicant.
2. The applicant is seeking pre-arrest bail in respect of C.R.No. 429 of 2022 dated 21/06/2022 registered with Mulund Police Station for the offence punishable under sections 420, 406, 465, 467,468, 471, 506, 34 of the Indian Penal Code, 1860.
3. The applicant is the daughter of the caretaker of Mr.

Michel, since deceased. Michel was the owner of the suit property. Daisy is the wife of Michel. Daisy was residing in Israel. The applicant's mother was attending to Michel and looking after him. It is contended by the intervener that Michel was blind. Taking advantage of this, a bogus Will was executed by Michel in favour of applicant's mother on 21/03/2006 to the extent of 1/4 th share in the suit property which he gave in favour of the applicant's mother. Thereafter the testamentary suit was filed by the applicant's mother before the competent Court. The development agreement was entered into between Daisy and Wasarkar Associates (intervener) sometime in 2015. There was already a report on record of a handwriting expert which was procured by Daisy as far back as on 01/07/2013 that the Will is forged and fabricated. A Civil Suit No. 117 of 2010 was filed by the applicant's mother (Queenie) against Daisy before this Court for her share and the same was withdrawn after Wasarkar Associates (intervener) paid her money for settling her claim. Wasarkar Associates paid the consideration of Rs. 3 crores plus amount on the basis of

which the suit came to be withdrawn. The FIR has now been registered on 21/06/2022 by the partner in Wasarkar Associates that the Will is false and fabricated. Wasarkar Associates were well aware of the factum regarding Daisy's plea that the Will is false and fabricated despite which, they had paid consideration to the applicant's mother with the result, the applicant's mother withdrew the suit filed against Daisy.

4. I am informed that the applicant has now vacated the suit premises. The criminal proceedings, prima facie are nothing but an attempt on the part of the Developer (intervener) to get back their money which was paid by way of settling the applicant's mother's claim despite having full knowledge of the Will which was executed as far back as in 2006, as well as the proceedings in the civil suit. In such circumstances, the application deserves to be allowed. No criminal antecedents are reported against the applicant.

ORDER

(a) In the event of arrest of the applicant in connection with C.R. No. 429/2022 registered with Mulund Police Station, the applicant- Mrs.

Marina Johnson Nadar @ Ms. Marina Lukas Manickan be released on bail on her furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence;

(c) The applicant shall report to the Investigating Officer of the concerned Police Station on 20/12/2022 and 21/12/2022 between 11.00 a.m. and 1.00 p.m.

5. The application is disposed of. The interim application also stands disposed of.

(M. S. KARNIK, J.)