

State of Maharashtra ... Respondent

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DATED : 13 DECEMBER 2022

P.C. :-

2. The applicants are apprehending their arrest in Crime No. 388 of 2021 registered at Vimantal Police Station, Pune, for the offences punishable under Sections 420, 423, 465, 467, 468, 471 r/w. 34 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. According to the complainant, she is owner of Shop No.14/1 at Konark Nagar, Pune. The said shop was originally owned by one Mannan Gabbutji, who sold it to mother of the complainant by agreement dated 16 October 2001. According to the complainant, she became owner of the shop premises in view of the gift deed executed by her mother dated 3 December 2016 and is even paying the property taxes. According to the complainant, in February 2021 the Chairman of the society had informed her that, applicant No.2 is claiming to be owner of the shop premises and she was asked to sort out the dispute. On enquiry, she came to know that the applicant No.1 had executed the Gift Deed dated 1st December 2016 of the same shop premises in favour of applicant No.2 who is his son. It is alleged that alongwith the said Gift Deed, electricity bill was annexed which she found to be forged.

5. The learned Counsel for the applicants submits that there was a live-in relationship between the mother of the complainant and applicant No.1. It is submitted that the consideration for purchase of shop in question was paid by the applicant No.1. It is further submitted that no formal conveyance was executed in favour of the mother of the complainant. It is further submitted that the alleged forged electricity bill was provided to him by the mother of the complainant only.

6. On the other hand the learned APP has pointed out the statement of original owner of shop in question. According to him, he sold the shop in question to the mother of the complainant. It is not the case of applicant No.1 that any formal conveyance was executed in his favour by

said Mannan Gabbuji. It appears that applicant No.1 without there being any title document executed the Gift Deed dated 1st December 2016 in favour of applicant No.2 that too by annexing the forged electricity bill. Considering the facts and circumstances of the case, the defense of the accused that the mother of the complainant provided the said forged electricity bill does not appear to be probable. I am therefore not inclined to grant anticipatory bail to the present applicants. In the result, the following order is passed :

(i) Application is rejected.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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