

Diksha Rane

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

ANTICIPATORY BAIL APPLICATION NO.3460/2022

CHANDRABHAGA J. KONDALKAR ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Ms. Priyanka S. Dable for the applicant.
Ms. A. A. Takalkar, APP for State.
Mr. S. V. Patil, Kopari Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 14, 2022.

P.C. :

1. Heard learned counsel for the applicant and learned APP.
2. This is an application for pre-arrest bail in respect of the First Information Report (FIR) No.0081/2022 registered with Kopari Police Station on April 29, 2022, for the offence punishable under Sections 379, 420, 465, 467, 471 read with 34 of the Indian Penal Code, 1860 (hereafter 'the IPC' for short).
3. The FIR is lodged in respect of a bogus and fabricated Will dated October 5, 2017 of the deceased Bhimashankar

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Chulaman Barapatre, who is the uncle of the complainant. It is alleged that the applicant who was working as a maid servant with the deceased Bhimashankar Chulaman Barapatre prepared a bogus and false Will and created unlawful rights on the property i.e. Flat No.18/B, Kopineshwar CHS, Mith-Bunder Road, Near Siddhivinayak Temple, Natu Paranjape Colony, area admeasuring 670 sq. ft. in Thane (East).

4. It is alleged that the applicant prepared a bogus and false document by purchasing a stamp paper at Vashi and made bogus signature on the Will which was prepared by advocate Mr. Tripathi and notarized from another advocate Mr. Alate from Sakinaka. The said Will does not show notarized entry.

5. Learned counsel for the applicant submitted that the applicant was working with the deceased for 27 years as maid servant. Even when he was admitted to the hospital, some of the documents of the admission were signed by the applicant as the relative of the deceased. She was the one who was taking care of the deceased. The co-accused have

already been granted pre-arrest bail. The original Will is in the custody of the Investigating Officer. Learned counsel for the applicant submits that the applicant is willing to co-operate with the investigation and willing to submit her specimen signatures as per the instructions of the Investigating Officer.

6. Learned counsel for the applicant submitted that there was already a suit filed by the applicant in the year 2019 before the Civil Court under Section 6 of the Specific Relief Act. The application (Exhibit 5), according to her, has been allowed and the trial Court by temporary injunction directed the complainant not to create any third party right in the said flat. It is, thus, the allegation that the applicant is claiming on the basis of the bogus and fabricated Will.

7. The flat is in the possession of the complainant. In my opinion, the custodial interrogation of the applicant in the present case is not necessary as there are already disputes of civil nature between the applicant and the complainant pending in respect of the suit flat. Hence the following order.

ORDER

(A) In the event of arrest in connection with FIR No.0081/2022 registered with Kopari Police Station, the applicant-Chandrabhaga J. Kondalkar shall be released on bail on furnishing P.R. bond of Rs.25,000/- with one or more sureties in the like amount.

(B) The applicant shall report to the concerned police station on 20th, 21st and 22nd December, 2022, between 10.00 a.m. and 12.00 noon and thereafter, as and when called.

(C) 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/her from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(D) The applicant to furnish the details of her residential address and contact numbers to the Investigating Officer.

(E) The applicant to co-operate with the Investigating Officer.

8. The application is disposed of.

(M. S. KARNIK, J.)