

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 441 OF 2023

Mahesh Yadunandan Chawda

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

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Mr. T.M. Shaikh, Advocate h/f Mr. A.I. Pathan, Advocate for applicant
Mr. A.A. Jagatkar, A.P.P. for respondents
Mr. B.P. Pande, Advocate for assist to A.P.P.

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**CORAM : R.G. AVACHAT, J.
DATE : 12th APRIL, 2023**

PER COURT :

1. This is an application under Section 438 of Code of Criminal Procedure. The applicant claims to have an apprehension of being arrested in connection with Crime No. 450 of 2019 registered with Pundliknagar Police Station, Dist. Aurangabad for the offences punishable under Sections 420, 467, 468, 469 and 471 read with Section 34 of the Indian Penal Code ('I.P.C.').

2. Heard. Perused First Information Report ('F.I.R.') and related police papers.

3. The applicant is alleged to have forged 'Will' of this father in his favour. Learned A.P.P. and learned counsel for the informant would submit

that other brothers of the applicant speak against him. Father's consent letter has also been forged. The crime has been registered only after fraud was discovered.

4. The father is said to have executed 'Will' in favour of the applicant way back in 2008. Sisters are said to have filed a suit for partition in 2012. Another brother viz. Sharad, who is alleged to have got executed a gift deed from his father in his favour, has been granted anticipatory bail by this Court vide order dated 15th December, 2021. The said crime was arising from the F.I.R. lodged by the informant herein. As such, case of the present applicant is not different from the case of his brother – Sharad, who has already been granted protection. Whether the 'Will' and consent letter of the father is forged or fabricated can only be decided by civil Court. The civil suit is pending.

5. In view of above, order dated 29th March, 2023 granting the applicant interim anticipatory bail is hereby made absolute. The applicant shall appear before the investigating officer, as and when required for the investigating purpose. The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD