

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

913 ANTICIPATORY BAIL APPLICATION NO.475 OF 2023

1. Yogesh Zinga Ahire
2. Smt. Lalita Pradip Barde
3. Manoj Dayaram Pawar
4. Sandip Madhu Pawar,
5. Paregabai Shivaji Kapure
6. Umesh Shivaji Manga Kapure
7. Bajyabai Manoj More

...Applicants

VERSUS

The State of Maharashtra

...Respondent

...
Advocate for Applicants : Mr.Pande Dipesh D. and
APP for Respondent-State : Mr.K.N.Lokhande
...

AND

CRIMINAL APPLICATION NO. 1370 OF 2023
IN ABA/475/2023

SUDHIR SUDHAKAR JADHAV

VERSUS

YOGESH ZINGA AHIRE AND OTHERS

...

Advocate for the applicant : Mr. Y.B. Bolkar
Advocate for the Respondent No. 8-State : Mr.K.N.Lokhande
Advocate for Respondent Nos. 1 to 7 : Mr. Dipesh Pande

CORAM : R. G. AVACHAT, J.

DATE : 05.04.2023.

PER COURT :

1. Criminal Application No. 1370 of 2023 in A.B.A. No. 475 of 2023 is allowed. The intervener is permitted to assist the learned APP.
2. Issue notice to the respondents, returnable on 19.04.2023. Mr. Dipesh Pande, the learned Counsel waives service of notice for respondent Nos. 1 to 7. The learned APP waives service of notice for the respondent-State.
3. Heard the learned Advocate for the applicants, the learned Advocate for the intervener and the learned APP for the respondent-State.
4. The applicants claim to be the Class-I heirs of the deceased Sundarabai. The applicants are alleged to have forged Sundarabai's will. The applicants claimed to be the legatees

under the will, stating therein that except the applicants there are no legal heirs to deceased Sundarabai. As such, had there been, in fact, no such will in existence, the applicants would have inherited Sundarabai's estate. It is further informed that Sundababai had executed a registered power of attorney in favour of the internever, authorizing him to sale the property. Pursuant whereof, the power of attorney holder has agreed to sale the said property to someone else. It is informed that the applicants have moved for grant of probate executed by Sundarabai. As such, whether the will is forged or genuine is an issue to be decided by the Civil Court, either in probate proceedings or in a Civil Suit. The said will is in the custody of the Court.

5. The learned Advocate for the intervener submits that by producing the forged will, a fraud is practiced on the Court.

6. Whether the will is forged or genuine is yet to be decided by the Civil Court. In this factual back drop, the applicants are protected. Till next date, in the event of arrest of the applicants, in connection with Crime No. 82 of 2023 registered with Dhule City Police Station, District Dhule for the

offences punishable under Sections 420, 406, 467, 468, 470, 471, 474, 209, 196, 197, 120B of the Indian Penal Code, the applicants be released on their executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety each in the like amount on conditions that :-

- (i) The applicants shall appear before the investigating officer, as and when required for the investigating purpose.
- (ii) The applicants shall not tamper with the prosecution evidence in any manner.

(R. G. AVACHAT)
JUDGE

mahajansb/