

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

**ANTICIPATORY BAIL APPLICATION NO. 265 OF 2023
with
INTERIM APPLICATION (ST) NO. 5968 OF 2023**

Umesh Narayan Dhanurkar

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Rajiv Chavan, Ajit Tamhane, Priyanka Chavan and Savita Sawalkar
i/b. M/s. Tamhane & Co. for the Applicant.

Mr. Hrishikesh Mundargi i/b. Pravada Raut for the Intervenor

Mr. Shrikant Yadav, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 28th MARCH, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.731 of 2022 registered with Dadar Police Station for offences under Section 420, 465, 467, 468, 471 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned Counsel for the Intervenor and learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

**PRASANNA P
SALGAONKAR**

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3. The aforesaid crime was registered pursuant to the FIR lodged by Jayeshree Jagannath Survey. The facts disclosed in the FIR indicate that the Complainant and her daughter were in possession of two rooms being Room Nos.A-403 and A-404 in Sukhshanti Building, Khed Galli, Prabhadevi, Mumbai. The husband of the Complainant, during his lifetime, had permitted the Applicant herein to use the said rooms on payment of monthly charges. The Applicant paid the charges till the year 2015.

4. In December 2021, the son of the Complainant noticed that the Electricity Bill in respect of Room No. A-403 was transferred in the name of the Applicant. On enquiry with the Electricity department, they were informed that the Applicant herein had submitted a Sale Deed, Power Of Attorney and other documents, based on which, the Electricity bill was transferred from the name of the first informant to the name of the Applicant. Hence, the first informant lodged the FIR alleging that the Applicant herein has prepared false Sale Deed as well as Power of Attorney by impersonating her, on the basis of the said forged documents he had got the electricity connection transferred in his name.

5. Shri Chavan, learned Sr. Counsel for the Applicant submits that the Applicant was in possession of the said premises since the year 2002.

He has placed on record copy of the Agreement for Sale between the Applicant and one Manohar S. Pawar. The said unregistered agreement states that both the rooms were allotted to Manohar S. Pawar by MHADA being a project affected person and that said Manohar Pawar had agreed to sell the rooms for sale consideration of Rs.12,00,000/-.

6. The Applicants have not been able to place anything on record to indicate that the said rooms were in fact allotted to Maohar Pawar as project affected person. In fact, the records reveal that the Electricity Bill in respect of the subject room was in the name of the Complainant. The said Electricity Bill was transferred in the name of the Applicant only on the basis of the Sale Deed dated 23.12.2020 as well as Power of Attorney, executed by impersonating the Complainant. The photographs affixed on the Power of Attorney and the affidavit is not that of the first informant. The fact that the photographs of the Applicant are affixed on these two documents would prima facie negate the contention of Shri Chavan that the Applicant had no role to play in executing these documents and that the documents were executed by his Agent Suresh Mane. The records thus prima face indicate that the Applicant has not only committed forgery, prepared false documents, but he has also submitted the same to the Electricity Department for the purpose of transferring the electric connection in his name. The case is being investigated. The identity of the person who had impersonated

the first informant is not yet ascertained. The matter needs to be investigated thoroughly. Considering all these facts, this would not be a fit case to exercise discretion under Section 438 of Cr.P.C.

7. Application stands dismissed.

8. Intervention Application stands disposed in view of dismissal of the Anticipatory Bail Application.

(ANUJA PRABHUDESSAI, J.)