

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

ANTICIPATORY BAIL APPLICATION NO.331 OF 2023

Anil Kumari Umesh Paswan

..Applicant

VS.

The State of Maharashtra

..Respondent

Adv. Shubham Tripathi for the Applicant.

Ms. A. A. Takalkar, APP for the State.

Adv. Sandeep Mishra i/b. Adv. Sudhir Pandey for the complainant.

Mr. Suraj Jagtap, PSI, Kashimira Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 6, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for pre-arrest bail in respect of the offence punishable under Sections 420, 465, 467, 468, 471, 448 read with Section 34 of the Indian Penal Code, 1860 in connection with C.R. No.402 of 2022 dated 18/06/2022 registered with Kashimira Police Station.

3. The dispute is in respect of a flat which belongs to the first informant. The flat is admeasuring 269 sq.ft. which is

situated at Kashimira. Even the applicant does not dispute that the flat is of the ownership of the first informant. The applicant is the daughter of the first informant. It is the allegation that on the basis of forged and fabricated Power of Attorney the said flat in question has been transferred by the applicant in her name. This aspect is now insignificant. According to learned APP, the signature on the Power of Attorney indicates that the first informant's signature is forged.

4. Learned counsel for the applicant on instructions reiterates that though the applicant does not claim any right in the said flat which admittedly is of the ownership of the first informant, it is however, submitted that the applicant is in possession of the said flat as she was all along residing with her father (informant). Learned counsel for the informant disputes the factum of possession. So far as the dispute regarding the possession of the said flat is concerned, the same is the subject matter to be decided by the appropriate Civil Court.

5. The dispute is between the father and the daughter

and it is one of the contention of learned counsel for the applicant that it is her son who has instigated the first informant to file the present complaint. According to learned counsel, the first informant is now residing with the applicant's son. The applicant's son wants to take over the flat according to him.

6. Considering the statement made by the learned counsel for the applicant on instructions, the custodial interrogation of the applicant is not required. The applicant to co-operate with the investigation. The applicant is willing to submit the specimen of her signature and documents which are in her possession for being handed over to the Investigating Officer.

7. Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R. No.402 of 2022 registered with Kashimira Police Station, the applicant-Anil Kumari Umesh Paswan shall be released on bail on furnishing P.R. Bond to the extent of Rs.15,000/- with one or more sureties in the

like amount.

(c) The applicant shall report to the concerned police station on 12/02/2023 between 11.00 a.m. and 12.00 noon.

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

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(f) The applicant shall furnish the details of her residential address and phone number to the investigating officer.

8. The Anticipatory Bail Application stands disposed of.

(M. S. KARNIK, J.)