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

ANTICIPATORY BAIL APPLICATION NO.400 OF 2023

Pradnya Prabhat Malbari and Ors. ...Applicants
vs.
The State of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.282 OF 2023**

Jai Singh Kashi Prasad Singh ...Applicant
vs.
The State of Maharashtra ...Respondent

**INTERIM APPLICATION NO.838 OF 2023
WITH
ANTICIPATORY BAIL APPLICATION NO.282 OF 2023**

Achita Ramesh Madhvi ...Applicant
vs.
The State of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.402 OF 2023**

Girish Jagannath Shukla ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Dnyaneshwar Deshmukh for the Applicants in ABA No.400/2023
and 402/2023.

Mr. Digvijay Sarangdhar with Ms. Sunitha Nayak i/b Ms. Asmita
Saranghar for the Applicant in ABA 282/2023.

Mr. Mehul R. Thakkar for Respondent No.3 in ABA Nos.400/2023 and
Applicant in IA No.838/2023.

Mr. H. J. Dedhia APP for the Respondent-State.

Mr. D.S. Patil PSI, Investigating Officer present.

CORAM : S. M. MODAK, J.

DATED : 10TH MARCH 2023

P.C. :

1. Heard learned Advocate for the Applicants, learned Advocate for the first informant and learned APP for the Respondent-State.

2. Applicant Nos.2 to 4 in ABA No.400 of 2023 are current office bearers of the society, whereas Applicant Nos.1 and 5 in that Application and the Applicant in ABA No.282 of 2023 are ex-office bearer of the society. Whereas, the Applicant in ABA No.402 of 2023 is person who has helped the society in follow-up with concerned authorities for getting deemed conveyance.

3. All these Applicants were issued notices by Rabodi police station in connection with offence bearing C.R. No.I-166 of 2022 registered on 14th September 2022. It is registered under sections 470, 420, 467, 468, 34, 109, 120-B of IPC. It is on the complaint of one Ms.Achita Ramesh Madhvi. She is wife of the original owner Ramesh Madhavi being owner of plot. He has decided to develop it and that's why he has entered into an agreement with M/s. Jafar Enterprises on 24th August 1992. There was building constructed by name Prince Apartment.

4. For some reason or other, the society was not formed and it was formed on non-cooperation basis. Similar question of execution of conveyance has arisen and the office bearers of society applied as per Maharashtra Ownership Flats (Regulation of the promotion of

construction, management and transfer) Act, 1963 [“MOFA”] and deemed conveyance was granted. When proposal was submitted certain documents were annexed. Even though the original owner Ramesh Madhvi was not alive, the office bearers have not intimated this fact to the concerned authorities and behind his back, deemed conveyance was obtained.

5. During enquiry, it was revealed to the first informant that the documents annexed to that proposal were not genuine. They are five in number and they are described in the FIR.

6. It is contention of the Applicant-Girish Jagannath Shukla in ABA No.402 of 2023, that even though, he was secretary of the society, he resigned in the year 2010 and as such, he is not concerned with any of the issues. Whereas, it is contention of the Applicants in ABA No.400 of 2023, that all these documents were not created by them but it is owner of the land, who has annexed all these documents when deed of declaration was executed by him on 26th April 2006, which is at page 49. My attention is also invited to revision filed by the first informant against the order of registration of the society. She has alleged that all these documents are forged by the builder.

7. Learned Advocate for the Respondent invited my attention to various documents filed along with affidavit in reply. He invited my attention to reply given by Thane Municipal Corporation on 19th May 2021 and 31st May 2021. I have perused it. In that reply, Corporation has informed that proposal mentioned therein does not belong to the land owned by husband of the first informant. In fact, they have

mentioned that they are in respect of different plots of land either situated at Mumbra or Kolbad. My attention is also invited to sanction dated 11th February 1992, issued by Thane Municipal Corporation. There is no outward number. On the basis of above aspects, the first informant says that all these documents are forged one.

8. Learned APP submitted that in order to ascertain who has forged these documents, custody of the Applicants is required.

9. I am inclined to grant anticipatory bail to all the Applicants. It is for the reason that all these documents were annexed to deed of declaration declared by husband of the first informant. It means that he was aware of all these documents in 2006. Furthermore, during investigation, correspondence is made with the corporation and they have not said that these documents are forged one. It is true that the some of the correspondence state that these proposal belongs to different plots of land. Be that it may, husband of the first informant was aware of all these documents in the year 2006. Hence, I do not think that the case is made out for custodial interrogation. In view of that the following order is passed :

ORDER

- (a) In the event of arrest, all the Applicants be released on bail on furnishing personal bond and surety bond of Rs.25,000/- each in C.R. No.I-166 of 2022 registered with Rabodi police station, Thane City for the offences punishable under sections 470, 420, 467, 468, 34, 109, 120-B of IPC.

- (b) The Applicants shall not threaten the prosecution witnesses or allure them in any manner.
- (c) The Applicants shall give attendance to the Rabodi police station, Thane City on first Monday of every month from 10 am to 12 noon till filing of charge-sheet.
- (d) Needless to say, violation of the conditions above will make the Applicants liable for cancellation of anticipatory bail.

10. Application is disposed of accordingly.

11. It is made clear that the observations made herein are prima facie and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

12. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]