

AGK

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

ANTICIPATORY BAIL APPLICATION NO.490 OF 2023

Arun Pandharinath Zore ... Applicant

V/s.

The State of Maharashtra ... Respondent

WITH

INTERIM APPLICATION NO.842 OF 2023

IN

ANTICIPATORY BAIL APPLICATION NO.490 OF 2023

Vishal Namdev Shinde ... Applicant

In the matter between

Arun Pandharinath Zore ... Applicant

V/s.

The State of Maharashtra ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.491 OF 2023

Sakharam Damodar Shinde ... Applicant

V/s.

The State of Maharashtra ... Respondent

WITH

INTERIM APPLICATION NO.840 OF 2023

IN

ANTICIPATORY BAIL APPLICATION NO.491 OF 2023

Vishal Namdev Shinde ... Applicant

In the matter between

Sakharam Damodar Shinde ... Applicant

V/s.

The State of Maharashtra ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.492 OF 2023

Pandurang Dnyanu Shinde	... Applicant
V/s.	
The State of Maharashtra	... Respondent

WITH
INTERIM APPLICATION NO.847 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.492 OF 2023

Vishal Namdev Shinde	... Applicant
In the matter between	
Pandurang Dnyanu Shinde	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Satyavrat Joshi i/by Mr. Samay Pawar for the applicant in each ABA.

Mr. Vilas B. Tapkir for the applicant in all three IAs.

Mr. Amit A. Palkar, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JUNE 15, 2023

P.C.:

1. Apprehending arrest, the applicant in each anticipatory bail application seeks protection under Section 438 of the Criminal Procedure Code, 1973 in connection with C.R. No.418 of 2022 registered with Rajgad Police Station, Pune Rural for alleged offences punishable under Sections 420, 504, 506 and 34 of the Indian Penal Code, 1860.

2. According to the prosecution, accused no.1 prepared a forged document of Will dated 9 October 20023 executed by his

father. Accused No.2 signed as attesting witness. Accused No.3 issued medical certificate in support of Will. According to prosecution, accused No.4/Notary has also participated in the crime by making false entry in the Notary Register. The informant tried to settle the matter but due to failure in setting the matter, he filed report.

3. The applicants who are accused Nos.1 to 3 have, therefore, filed applications before the learned Sessions Judge for anticipatory bail which has been rejected by order dated 2 February 2023. Aggrieved thereby, the applicant in each application has filed present anticipatory bail applications.

4. Learned advocate for the applicants invited my attention to the date of Will Deed. 9 October 2023 is the date of Will. Entry in accordance with the Will Deed after giving notice to the heirs and legal representatives was entered in the revenue record on 5 January 2004. Notice of entry was issued to the predecessor (father) of the informant.

5. Learned advocate for the victim submitted that the Will Deed is forged. There is discrepancy in the entry made by the Notary which is suspicious circumstance which casts doubt on execution of Will. Therefore, custodial interrogation of the accused persons is necessary.

6. Learned APP supported the learned advocate for the informant and submitted that the facts does not warrant relief in favour of the applicants.

7. On perusal of the material on record, prima facie it appears

that the Will Deed has been executed on 9 October 2003. Mutation entry produced on record indicate that notice under the Maharashtra Land Revenue Record of Rights and Registers (Preparation and Maintenance) Rules, 1971 was issued to the father of the informant. Accordingly, names of persons in whose favour the Testator has bequeathed the property were entered into. Based on the said revenue entry and the title derived from Will, the beneficiaries dealt with the properties. Registered Gift Deeds were based on such devolution of title. The report is filed against accused no.1 in the year 2022 raising doubt about the Will Deed executed in the year 2003.

8. Prima facie, therefore, I am satisfied that the applicants are entitled to protection under Section 438 of the Criminal Procedure Code, 1973. Hence, following order:

- a) In the event of arrest of the applicants in connection with C.R. No.418 of 2022 registered with Rajgad Police Station, Pune Rural for alleged offences punishable under Sections 420, 504, 506 and 34 of the Indian Penal Code, 1860, the applicants be released on bail on furnishing P.R. Bond in the amount of Rs.25,000/- each with one or two sureties in the like amount;
- b) The applicants shall cooperate with the investigation and make themselves available for interrogation whenever required;
- c) The applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

d) The applicants shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

e) The applicants shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

9. All three anticipatory bail applications stand disposed of in above terms. No costs.

10. In view of disposal of anticipatory bail applications, interim applications does not survive and the same stand disposed of as infructuous.

11. It is made clear that the observations made in this order shall not affect rights of the parties in a substantive suit. The observations are made only for the purposes of adjudicating rights of the parties under Section 438 of the Criminal Procedure Code, 1973.

(AMIT BORKAR, J.)