

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.1122 OF 2023
WITH
INTERIM APPLICATION NO.3798 OF 2023**

Rekha Rajendra Pawar ...Applicant
vs.
The State of Maharashtra and Ors. ...Respondents

Mr. Mufeez Ansari a/w. Mr. Jayendra Khairnar, for the Applicant
Mr. S.H. Yadav, APP, for the Respondent/State.
Mr. Joshua D'Souza a/w. Mr. Harshvardhan Borse and Mr.
Yashwant Dhanegave i/b. Mr. Gouresh Mogre, for the Intervener.
Mr. S.P. Madhure, PC, Satara police station.

CORAM : N. J. JAMADAR, J.
DATE : DECEMBER 13, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. The learned counsel for the applicant submits that the applicant is not averse to allow the applicant in the intervention application to intervene in the matter.
3. Application stands allowed.
4. The applicant in intervention application be impleaded as party respondent to this application.
5. Necessary amendment be carried out forthwith.
6. Issue notice to the respondents.
7. Learned APP waives for respondent No. 1.

8. Mr. D'Souza, learned counsel waives for respondent No. 2.
9. This application is preferred seeking pre-arrest bail in connection with C.R. No.53 of 2023 registered at Satana police station for the offences punishable under sections 460, 464, 465 and 468 of Indian penal Code, 1860.
10. When the application was first listed on 18th April, 2023, this Court has granted interim bail.
11. The first informant, who was posted as 'Revenue Assistant' lodged a report with the allegations that prior to 7th November, 2022 somebody had forged original record of rights in respect of Survey No. 91/A/1/1/1 by adding the name of 'Aaya Mauli' in the other rights column. Post inquiry, a first information report was lodged against unknown persons for having committed forgery of the original record maintained in the office of Tahsildar.
12. Apprehending arrest, the applicant approached the Court of Session. The learned Additional Session Judge declined to exercise the discretion in favour of the applicant.
13. The learned counsel for the applicant submitted that the first information report was lodged against unknown person and the applicant has no concern with the alleged forgery. She has been roped on account of political rivalry as the applicant was Sarpanch of the village panchayat and she presided over a meeting in which a

resolution was passed to erect a statue of Bhagwan Gautam Buddha at the place of Aaya Mauli.

14. The learned APP submitted that there is material to show that the applicant had used forged 7/12 extract.

15. The learned counsel for the intervener submitted that the applicant had presided over a meeting dated 29th March, 2022 in which a resolution was passed to erect a statue of Bhagwan Gautam Buddha. It was further submitted that she had been using 7/12 extract as genuine one.

16. I have perused the allegations in the first information report. Evidently, the first information report was lodged against unknown person. The allegation is that the son of the applicant along with other person was seen entering in to the office of Tahsildar. Prima facie, the allegations against the applicant are not that the applicant had forged the revenue record. The claim of the applicant that Aaya Mauli has an interest in the subject property may be wholly illegal. However, that cannot be a ground to deprive her personal liberty in the absence of any material to connect her with the crime.

17. In view the above, as the forged document is in the custody of the authorities, I am inclined to hold that the custodial interrogation of the applicant is not warranted to facilitate further

investigation. Possibility of fleeing away from justice appears to be remote.

18. Thus, in the event of arrest in C.R. No.53 of 2023 registered with Satana police station, the applicant be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

19. The applicant shall cooperate with the investigation and attend Satana police station, on 26th and 28th December 2023 in between 10 am to 1 pm and, thereafter, as and when directed.

20. The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

21. The applicant shall regularly attend the proceedings before the jurisdictional Court.

22. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)