



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2500 OF 2023**

Ratnamala Jaysingh Deshmukh	...	Applicant
versus		
The State of Maharashtra and Anr.	...	Respondents

Mr. Shriram S. Chaudhari, for Applicant.

Mr. S.V.Gavand, APP for State.

Mr. Sarang S. Aradhye with Ms. Gauri Velankar, Ms. Shruti Kothavade, Mr. Shantanu Gurav, for Respondent No.2.

CORAM: N.J.JAMADAR, J.

DATE : 12 SEPTEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.

2. This is an application for pre-arrest bail in connection with C.R.No.434 of 2023 registered with Pandharpur Taluka Police Station for the offences punishable under Sections 120-B, 406, 420, 465, 467, 468, 471, 479 read with Section 34 of the Indian Penal Code.

3. The Applicant had availed a mortgaged loan of Rs.4 Lakhs along with her husband Jaysingh as a co-borrower by mortgaging agricultural lands bearing Gut Nos.1015/2 and 1015/1 from Vardayini Multi State Co. Credit Society, Pandharpur on 16 October 2014. Accordingly, encumbrances were noted in the record of right of the aforesaid lands. As of 31 January 2018, an amount of Rs.7,28,894/- was outstanding. On 20 January 2018, the Talathi issued a notice to the said Society calling for

objection to remove the encumbrances as the borrowers had claimed that the loan was discharged. A copy of the letter purportedly issued by Respondent No.2 was annexed to the application for removing the encumbrances. It transpired that the said letter was forged and fabricated. The Chief Officer of the said Society lodged a report.

4. Apprehending arrest, the applicant has preferred this application.

5. The learned Counsel for the Applicant submitted that the applicant has cleared the entire outstanding amount and a certificate came to be issued by the Society on 30 October 2019. The Society had also issued a letter on 5 November 2019 giving its no objection to remove the encumbrances. In the facts of the case, the Society, according to Mr. Chaudhari, learned Counsel for the Applicant, did not suffer any wrongful loss or injury. There is no material to show as to who had furnished the allegedly forged letter to the Talathi seeking deletion of encumbrances. Therefore, the applicant deserves pre-arrest bail.

6. The learned APP, on the other hand, submitted that the offence of forgery is, prima facie, made out, though the Society did not suffer any wrongful loss. According to learned APP, the said fact does not dilute the gravity of the offences. The learned APP further submitted that there is material to show that it was the co-accused Jaysingh, co-borrower, who had submitted the forged certificate of no dues/no objection.

7. The learned Counsel for Respondent No.2 submitted that the forgery of

the letter is writ large as it was allegedly issued by a totally different entity Varyadini Finance and Investment Corporation.

8. I have carefully perused the allegations in the FIR and the material on record. Prima facie, the letter conveying no dues for deletion of the encumbrances recorded in the record of right of the aforesaid lands, appears to be forged. The issue is about the authorship of the alleged forgery and the use of the said forged letter as genuine one.

9. The learned APP on the basis of the material collected during the course of investigation and, on instructions, submitted that the investigation revealed that it was the co-accused Jaysingh who had submitted the said letter along with the application for deletion of the encumbrances. As noted above, Jaysingh was the co-borrower. The question of the applicant being the privy to the crime or having shared common intention with the co-accused Jaysingh, warrants adjudication at the trial.

10. The loan in question has been discharged. Indisputably, the Society has given no dues certificate and conveyed its no objection to delete encumbrances by a communication dated 5 November 2019. The applicant is a woman. It would be contextually relevant to note that co-accused Jaysingh has withdrawn Anticipatory Bail Application No.2503 of 2023.

11. Prima facie, the custodial interrogation of the applicant does not seem to be warranted as the authorship of the alleged forgery is primarily attributed to the co-

accused Jaysingh, her husband. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

11. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Ratnamala Jaysingh Deshmukh in connection with C.R.No.434 of 2023 registered with Pandharpur Taluka Police Station, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The Applicant shall co-operate with the investigation and report to the Pandharpur Taluka Police Station on every alternate Saturday from 10.00 a.m. to 1.00 a.m. for a period of one month.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(iv) The application stands disposed.

(v) It is clarified that these prima facie observations are confined to determine the entitlement to pre-arrest bail only.

(N.J.JAMADAR, J.)