

ANTICIPATORY BAIL APPLICATION NO. 2815 OF 2023

Vs.

The State of Maharashtra ...Respondent

Mr. M. G. Patil, APP for State.

Mr. Gauri Vinayak Date, PSI, Dadar Police Station, present.

DATED:- 7th OCTOBER, 2023

PC:-

- 1) Heard the learned counsel for the applicants and the learned APP for the State.
- 2) This is an application for pre-arrest bail in connection with C.R. No. 401 of 2023, registered with Dadar police station, for the offences punishable under Sections 420, 199, 200 read with Section 34 of Indian Penal Code, 1860 (“the Penal Code”).

3) The first informant is the daughter of the applicant No. 1 and sister of applicant Nos. 2 to 4. The husband of applicant No. 1 and father of applicant Nos. 2 to 4 and the first informant, was endowed with properties. He passed away on 5th December, 2013. After the demise of the father of the first informant, disputes arose between the first informant, on the one part, and the applicants, on the other part, over succession to his estate. A civil suit instituted by the first informant is subjudice.

4) The father of the first informant had also maintained a locker with Central Bank, Gokhale Road branch, Mumbai. On 22nd October, 2022, the first informant alleged, the applicants falsely represented to the Bank that they were only the legal heirs of her deceased father, and by submitting a false affidavit and declaration, obtained the valuable articles and documents kept in the said locker. Hence, the report.

5) Prima facie, it appears that the alleged offences have their the genesis of the dispute over the estate of the deceased father of the first informant. It appears that the Bank has delivered the articles upon a letter of indemnity having been furnished by the applicants. The documents which have been executed by the applicants appear to be in the custody of the Bank. In this view of

the matter, to facilitate further investigation, custodial interrogation of the applicants does not seem to be warranted.

6) I am, therefore, persuaded to exercise the discretion in favour of the applicants, subject to certain conditions.

7) Hence, the following order:-

ORDER

I) In the event of arrest of the applicants in connection with C.R. No. 401 of 2023, registered with Dadar police station, for the offences punishable under Sections 420, 199, 200 read with Section 34 of Indian Penal Code, 1860, the applicants be released on bail on executing a PR Bond in the sum of Rs.30,000/- each, with one or two sureties in the like amount.

II) The applicants shall co-operate with the investigation and attend Dadar police station on 16th, 17th and 18th October, 2023 in between 10.00 am to 1.00 pm and, thereafter, as and when directed by Investigating Officer.

III) The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

IV) The applicants shall furnish their specimen handwriting and signatures.

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

VI) The application stands disposed.

[N. J. JAMADAR, J.]