



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2838 OF 2023**

Anitha Shekhar Deshpande

... Applicant

versus

The State of Maharashtra

... Respondent

Mr. Wesley Menezes with Mr. Waqar Pathan, Mr. Steven Anthony, for Applicant.

Smt. Ashwini A. Takalkar, APP for State.

Mr. Rakesh Bhamane, API Upanagar Police Station, Nashik.

CORAM: N.J.JAMADAR, J.

DATE : 9 OCTOBER 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.354 of 2023 registered with Upanagar Police Station, Nashik for the offences punishable under Sections 465, 468, 471 of the IPC.
3. The first informant is the sister of the applicant. They had allegedly acquired a bungalow A-56 Nishant Garden. The first informant was in need of money. A registered Exchange Deed was executed between the parties and the said bungalow came to be allotted to the applicant. In the year 2022, the first informant called upon the applicant to cancel the Exchange Deed, and paid Rs.15 Lakhs. However, the applicant declined to cancel the Exchange Deed. Hence, dispute arose. The Applicant instituted a Suit being RCS No.247 of 2023 before the Civil Court at

Nashik.

4. The first informant alleged that it emerged that in the intervening period, the applicant had got electricity connection at the said bungalow transferred in her name by forging the signature of the first informant. Hence, the report.

5. The learned Counsel for the Applicant submitted that the Applicant is the owner of the said bungalow. The applicant was dispossessed. She lodged a report being FIR No.265 of 2023. By way of a counter blast, the instant report came to be lodged.

6. The learned APP submitted that the applicant has forged the signatures on the application and the affidavit to get the electricity connection transferred in her name.

7. Evidently, the applicant is the owner of the said bungalow. Dispute has arisen between the sisters over the cancellation of the Exchange Deed under which the applicant became absolute owner of the said bungalow. In any event, the documents, which were allegedly forged, were submitted to the electricity distribution company. Thus, custodial interrogation is not warranted.

8. I am, therefore, persuaded to exercise the discretion in favour of the applicant while directing her to join in the investigation.

9. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Anitha Shekhar Deshpande in connection with C.R.No.354 of 2023 registered with Upanagar Police Station, Nashik, 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 Upanagar Police Station on 16th and 17th October 2023 in between 10.00 a.m. to 1.00 p.m.

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

(iv) The Applicant shall furnish documents which are in her custody and also submit her specimen handwriting and signature to the Investigation Officer.

(v) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(vi) The application stands disposed.

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

(N.J.JAMADAR, J.)