

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.3368 OF 2022

Aarti Vishnu Khare ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr. Aniket U. Nikam i/by Mr. Amit Icham for the applicant.

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

CORAM : AMIT BORKAR, J.

DATED : JULY 3, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.615 of 2022 registered with Dehu Road Police Station, Pune on 1st October 2022 for offences punishable under sections 420, 465, 468, 467, 471 and section 34 of the Indian Penal Code, 1860, the applicant is seeking relief under section 438 of the Criminal Procedure Code, 1973.

2. Based on information of Mahesh Bhikaji Nalvade (Social Worker) report came to be registered on 1st October 2022, alleging that six accused named in the report prepared forged and bogus Heirship Certificate of the Court and in collusion with the applicant (Talathi), Circle Officer mutated names of four accused in the revenue record. It is alleged that competent Court granted Heirship Certificate to four accused of Marwadi (Jain) family as

regards land situated in 54 villages. Survey No.97/1 and 121/4 was not mentioned in the Heirship Certificate. The purchasers, therefore, mutated names based on forged Heirship Certificate.

3. The applicant applied for relief under section 438 of the Criminal Procedure Code, 1973, which came to be rejected by order dated 24th November 2022. Aggrieved thereby, the applicant filed present applicant.

4. This Court by order dated 5th December 2022 protected the applicant.

5. According to the applicant, she mutated entry in the revenue record based on annexures in the registered sale deed. According to her, annexures of sale deed were forged to substitute name of Joharmal Marwadi instead of Tikaji Marwadi. The forged annexures being part of the registered document, was bona fide accepted by the applicant. According to learned advocate for the applicant, therefore, considering nature and gravity of the offence, custodial interrogation of the applicant is not necessary.

6. On perusal of the material on record, it appears that the documents of Heirship Certificate prima facie contains name of Joharmal as deceased instead of Tikaji. It also contain names of three persons Pratap, Reshma and Vinod. According to the applicant, name of Sushila is entered in the revenue record based on affidavit annexed along with the registered sale deed.

7. Therefore, it prima facie appears that the custodial interrogation of the applicant is not necessary. Hence, following Order:

- a) In the event of arrest of the applicant in connection with C.R. No.615 of 2022 registered with Dehu Road Police Station, Pune on 1st October 2022 for offences punishable under sections 420, 465, 468, 467, 471 and section 34 of the Indian Penal Code, 1860, the applicant shall be released on bail on furnishing PR Bond in the sum of Rs.50,000/-, along with one or two sureties in the like amount;
 - b) The applicant shall remain present before the investigating officer on 5th, 7th and 10th July 2023 between 11:00 a.m. to 02:00 p.m. and, thereafter, as and when called by the investigating officer;
 - c) The applicant 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 applicant 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 applicant 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;
8. The anticipatory bail application stands disposed of in above terms.

(AMIT BORKAR, J.)