



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

69 ANTICIPATORY BAIL APPLICATION NO. 151 OF 2024

1. Jayesh Mukesh Lalwani,
2. Rohan Mukesh Lalwani,
3. Rajesh Shantilal Lalwani,
4. Ajay Shantilal Lalwani.

VERSUS

1. The State Of Maharashtra,
2. the Superintendent of Police, Jalgaon.

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Advocate for Applicant : Senior Counsel Mr. Rajendra S. Deshmukh i/b Mr.
Devang R. Deshmukh a/w Mrs. Meenal S. Deshmukh.
APP for Respondents-State: Mrs. M. L. Sangit
Advocate for Assist to APP : Mr. S. B. Yawalkar

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CORAM : ARUN R. PEDNEKER, J.

Dated : November 25, 2024.

PER COURT :-

1. Heard learned counsel for the applicants, the learned APP for the respondent-State, and the learned Counsel for Assist to APP.
2. The applicants are apprehending arrest in connection with FIR No.0380/2023, dated 24/11/2023, registered at Ramanand Nagar Police Station, Jalgaon, District Jalgaon, for the offences punishable under sections 420, 465, 467, 468, 471, 474 of the Indian Penal Code.
3. This Court, by its order dated 31/01/2024, protected applicants No. 1 to 4 from arrest and directed them to remain present at the concerned police station and cooperate in the investigation. The learned Counsel for

the applicants submits that all the conditions imposed by this Court while granting protection have been complied with. He further submits that an affidavit to this effect has been placed on record, which is not disputed by the learned APP.

4. The case against the applicants is that they allegedly fabricated a Will of the deceased Mukesh Shantilal Lalwani. Applicants No.1 and 2 are named as beneficiaries in the Will, while applicants No. 3 and 4 are the witnesses to the said Will. It is alleged that the applicants benefitted from the Will by reducing the informant/complainant's share through forgery and secured a mutation entry based on the Will over the properties. The informant contends that the Will is fabricated and has submitted the signatures and thumb impressions on the Will deed for examination by three different handwriting experts. These experts have allegedly opined that the signatures and thumb impressions on the Will are not those of Mukesh Shantilal Lalwani.

5. Admittedly, the complainants are not the legal heirs of the deceased Mukesh Shantilal Lalwani, the applicants No.1 and 2 are the children of the deceased Mukesh Shantilal Lalwani and natural heirs of the deceased. The document at page 78, dated 12/11/2001, titled '*Smaranpatra*', indicates the shares of various partners in the property.

It is a registered document and states that Mukesh Shantilal Lalwani had 18% share in the property, which has now been received by his children. Notably, there is no change in the share allocation as specified in the '*Smaranpatra*'.

6. There is no evidence to suggest that the applicants were involved in any forgery or fabrication of the '*Smaranpatra*' (which is a registered document), and as the children of Mukesh Shantilal Lalwani the applicants No.1 and 2 would have received the 18% share in the property after his demise, even in the absence of the Will.

7. In view of the above, the anticipatory bail granted to the applicants on 31/01/2024 stands confirmed in the following terms :

i] In the event the applicants are arrested in connection with FIR No.0380/2023, dated 24/11/2023, registered at Ramanand Nagar Police Station, Jalgaon, District Jalgaon, for the offences punishable under sections 420, 465, 467, 468, 471, 474 of the Indian Penal Code, they shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicants shall attend the police station as and when

called by the police.

iii] The applicants shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

8. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

9. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.