



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

88 ANTICIPATORY BAIL APPLICATION NO. 1346 OF 2024

Diksha W/o Siddharth Chitte @ Diksha Devrao Waghmare

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. A.V. Indrale Patil

APP for Respondents: Mrs. M.L. Sangit

Advocate to assist the A.P.P. : Mr. D.M. Shinde

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CORAM : SHIVKUMAR DIGE, J.
DATED : 9th SEPTEMBER, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.253 of 2024 registered with Loha Police Station, district Nanded for the offences punishable U/Sec. 420, 465, 467, 468, 471 of I.P.C.

2. It is the prosecution's case that the informant is staying at Wadehuri, Tq. Loha, district Nanded. Her all sons and daughter are married. Her elder son was working at Government Polytechnic College, Hingoli. He died due to Covid-19 pandemic. The applicant is daughter-in-law of the informant. It is alleged that the applicant had filed an application in the court of C.J.J.D. Loha for legal heirship bearing M.A. No. 123 of 2021. The said application was allowed by the court on 30.8.2021. It is alleged that the applicant by misleading the court obtained the certificate by suppressing the fact that there

are other legal heirs of deceased. It is alleged that on the basis of said heirship certificate, an amount of Rs.53,60,000/- are paid to the applicant including her own 1/3rd share. It is alleged that the applicant by joining hands with the Government employees and some agents, has prepared forged documents and cheated the informant.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The deceased was husband of the applicant. On that basis she had filed application for heirship certificate. The matter is settled between the applicant and the informant. The applicant has given 1/3rd share to the informant. Considering this fact, the custodial interrogation of the applicant is not required and requested to allow the application. The learned counsel has tendered the terms of compromise arrived at between the applicant and the informant, which is taken on record and marked "X" for identification.

4. It is the contention of the learned APP that the applicant obtained false heirship certificate by suppressing the fact that deceased had other legal heirs and forged some documents which shows her involvement in the crime. Considering the allegations against the applicant, her custodial interrogation is required and

requested to reject the application.

5. It is the contention of learned counsel for assist the A.P.P. that the applicant is daughter in law of the informant. The matter is settled between the parties as per the consent terms tendered by the learned counsel for the applicant. The informant has received the amount as per her share. Hence, the informant has no objection to allow the application.

6. I have heard all the learned counsel. Perused the F.I.R. and the police papers produced on record. The applicant is daughter in law of the informant. The husband of the applicant died due to Covid-19 pandemic and thereafter, she obtained the heirship certificate from the competent court. The allegations against the applicant are that she has not mentioned about other legal heirs of the deceased. It appears that the matter is settled between the informant and the applicant. The applicant has given share to the informant etc. Considering this fact, the custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

(i) The application is allowed.

(ii) The interim anticipatory bail granted to the applicant vide order dated 07.08.2024 stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)

rlj/