



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3447 OF 2023**

Rahul Subhash Shaha ... Applicant
versus
The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO.4710 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.3447 OF 2023**

Ramesh Dinanath Joshi ...
Applicant
and
Rahul Subhash Shah ... Applicant
versus
The State of Maharashtra ... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.1023 OF 2024**

Shubhada Subhash Shah ...
Applicant
versus
The State of Maharashtra and Anr. ...
Respondents

**WITH
INTERIM APPLICATION NO.2717 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.1023 OF 2024**

Ramesh Dinanath Joshi ... Applicant
and
Shubhada Subhash Shah ... Applicant
versus
The State of Maharashtra ... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.1024 OF 2024**

Kisan Jagannath Gawali ... Applicant
versus

The State of Maharashtra and Anr. ... Respondents

WITH
INTERIM APPLICATION NO.2586 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.1024 OF 2024

Ramesh Dinanath Joshi ... Applicant
and
Kisan Jagannath Gawali ... Applicant
versus
The State of Maharashtra ... Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.1026 OF 2024

Babasaheb @ Bhimrao Vitthal Patil ... Applicant
versus
The State of Maharashtra and Anr. ... Respondents

WITH
INTERIM APPLICATION NO.2715 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.1026 OF 2024

Ramesh Dinanath Joshi ... Applicant
and
Babasaheb @ Bhimrao Vitthal Patil ... Applicant
versus
The State of Maharashtra ... Respondent

Mr. Dinesh Adsule with Mr. Vijay Kumar Dhakane, for Applicants in all ABAs.
Mrs. Mahalaxmi Ganapathy, APP, for State.
Mr. Ramdas Shelke for Intervener in IA Nos.2717 of 2024, 2586 of 2024 and 2715 of 2024

CORAM: N.J.JAMADAR, J.

DATE : 7 AUGUST 2024

P.C.

1. Heard the learned Counsel for the parties.

2. These Applications are for pre-arrest bail in connection with CR No. 825 of 2023 registered with Mangalwedha Police Station, Solapur, for the offences punishable under Sections 420, 467, 468, 471 read with 34 of the Indian Penal Code, 1860 (“Penal Code”).

3. When ABA No.3447 of 2023 was first listed before this Court on 11 December 2023, this Court was persuaded to grant interim bail observing, *inter alia*, as under:-

“...5. The indictment against the applicant, who is the son of Smt. Shubhada Subhash Shaha, who claimed to be the President of Shri Vidya Vikas Mandal, a Public Charitable Trust, had forged and fabricated documents, to show that Smt. Subhada Shaha was elected as the President of the Trust in the AGM held on 29th August, 2021. No such meeting was held. Nor any notice of the said meeting was served on the first informant, who is the founder member of the Trust. Thus, the first informant lodged a complaint with the Assistant Charity Commissioner on 24th July, 2023. The allegedly forged documents, annexed with the Change Report, were sent for the opinion of handwriting expert. The handwriting expert has opined that the signatures on those documents were not of the persons who had purportedly put those signatures. Hence, the report....”

4. In ABA Nos.1023 of 2024, 1024 of 2024 and 1026 of 2024 by an order dated 16 April 2024, a Co-ordinate Bench of this Court protected the applicants observing, *inter alia*, as under :

“3. After that, the notice was issued by the Registrar, Judicial I, on 08/02/2024, based on which the present Applications are required to be placed before the same learned Judge who had passed the ad-interim order in the same subject matter for one of the accused. In this view of the matter, since the co-ordinate Bench has already passed ad-interim relief in favour of one of the accused. Therefore, these matters may lie before the same learned Judge. The Office to consider this situation and place these matters before the appropriate Bench. The applicants are above 70 years of age. Therefore, for the time being they can be protected by the ad-interim order till the matters are listed before the appropriate Bench.”

5. On the previous date, a submission was made on behalf of the prosecution that the presence of the Applicants before the Investigating officer was necessary for further investigation. Thereupon, the Applicants were directed to appear before the Investigating Officer and furnish the documents on which the signatures of the Applicants, were not disputed.

6. The learned counsel for the Applicant submits that the Applicants have appeared before the Investigating Officer. The learned APP, on instruction, submits that in terms of order dated 11 December 2023,

the Investigating Officer had collected the original documents which were filed in the office of the Charity Commissioner and those documents have been sent for analysis to the Government Examiner of Documents, and the report is awaited.

7. The learned counsel for the Intervenor submitted that the Intervenor has obtained opinion of a handwriting expert which indicates that the signatures on the documents relied upon by the Applicants in support of the Change Report are not of the persons who purportedly appear to have made those signatures. It was submitted that there are statements of the witnesses to the effect that the signatures are forged.

8. Evidently, the dispute revolves around the genuineness of the documents. Whether the documents relied upon by the Applicant in support of the Change Report, filed before the Charity Commissioner, are genuine or forged, is a matter for adjudication at the trial. Report of the Government Examiner of the documents is awaited. At any rate, the dispute revolves around the documents and the Applicants have appeared before the Investigating Officer and submitted their specimen handwriting and signature.

9. In this view of the matter, the further custodial interrogation of

the Applicants is not warranted. The applicants in ABA Nos.1023 of 2024, 1024 of 2024 and 1026 of 2024 are above 70 years of age. All the applicants appear to have roots in society. Possibility of tampering with evidence and fleeing away from justice appear to be remote. I am, therefore, inclined to make the orders of interim bail absolute. Hence the following order :-

ORDER

(i) The order of interim bail dated 11 December 2023 in ABA No.3447 of 2023 is made absolute on the terms and conditions incorporated therein.

(ii) The order of interim bail dated 16 April 2024 in ABA Nos.1023 of 2024, 1024 of 2024 and 1026 of 2024 is made absolute on the terms and conditions incorporated therein.

(iii) The Applicants shall henceforth appear before the Investigating Officer as and when directed.

(iv) In the event, the chargesheet is lodged, the Applicants shall regularly attend the proceedings before the Jurisdictional Court.

(v) Anticipatory Bail Applications stand disposed.

(vi) In view of the disposal of the Anticipatory Bail Applications, all Interim Applications also stand disposed.

(vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for pre-arrest bail only.

(N.J.JAMADAR, J.)