

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3994 OF 2023**

Manali Shashikant Gawli ... Applicant
versus
The State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.165 OF 2024

Hirabai Suresh Mhamunkar ... Intervener
and
Manali Shashikant Gawli ... Applicant
versus
The State of Maharashtra ... Respondent

Mr. Nitin S. Satpute for Applicant.

Mr. Prashant Jadhav, APP for State.

Mr. Samir Vaidya with Mr. Prathamesh D. Sarang i/by Ms. Chitra Salunkhe, for Intervener.

PSI S.R.Gadge, Nehru Nagar Police Station present.

**CORAM: N.J.JAMADAR, J.
DATE : 21 MARCH 2024**

P.C.

1. Heard the learned Counsel for the parties.
2. The applicant who is arraigned in C.R.No.89 of 2023 registered with Nehru Nagar Police Station for the offences punishable under Sections 448, 506, 420, 465, 467, 468, 471 of Indian Penal Code, has preferred this application to enlarge her on bail.
3. The first informant initially lodged a report with the allegations that in the month of July 2018, the applicant induced the first informant to allow her to erect

a floor on the premises of the first informant by making a representation that she would incur the expenditure of the construction and also pay rent of Rs.20,000/- per month. The applicant had paid Rs.4 Lakhs and the first informant had paid Rs.4 Lakhs to the contractor, to carry out construction. However, the applicant did not pay the rent, as agreed. In the year 2022, the applicant had vacated the said room. Later on, in the month of February 2023, the applicant made attempts to barge into the room of the first informant and broke open the lock. Thus, the first informant lodged a report. It is further alleged that to show proprietary title over the said premises, the applicant had created false and forged documents. Hence, charge for the offences punishable under Sections 465, 467, 468, 471 of the IPC came to be added.

4. Mr. Satpute, learned Counsel for the Applicant submitted that there is material to indicate that there was an agreement and in pursuance thereof, the applicant had parted with a huge amount. The applicant has been falsely roped in at the instance of the daughter of the applicant, who has lodged a number of complaints against the applicant. It was further submitted that the chargesheet has been lodged, and the applicant being a woman, deserves exercise of discretion.

5. Mr. Jadhav, learned APP, resisted the prayer for bail. It was submitted that a number of crimes have been registered against the applicant.

6. Mr. Vaidya, learned Counsel for the first informant, invited attention of the Court to the averments in the Intervention Application, which according to him,

demonstrate the manner in which a series of offences have been committed by the applicant.

7. From the perusal of the allegations in the FIR, it becomes evident that initial entry of the applicant in the premises of the first informant was pursuant to some sort of understanding between the parties. The applicant had admittedly paid a sum of Rs.4 lakhs for erecting the structure. In these circumstances, whether an offence under Section 420 of IPC can be said to have been made out, prima facie, appears to be debatable.

8. In any event, the offences revolve around the documents. Investigation is complete. Chargesheet has been lodged. The applicant has been in custody for more than 11 months. The applicant is a woman. Therefore, the applicant deserves exercise of discretion.

9. So far as the antecedents of the applicant are concerned, the learned Counsel for the Applicant submitted that a number of crimes have been registered against the applicant at the instance of her daughter, with whom the applicant is at loggerheads. In any event, the apprehension on the part of the prosecution can be taken care of by imposing conditions.

8. Hence, the following order :

- (i) The Application stands allowed.
- (ii) The Applicant – Manali Shashikant Gawli be released on bail in

C.R.No.89 of 2023 registered with Nehru Nagar Police Station, Mumbai on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicant shall not enter the limits of Nehru Nagar Police Station for a period of three years or till the conclusion of the trial, whichever is earlier, except for marking her presence before Nehru Nagar Police Station on first Monday of every month in between 11 am to 1 pm for a period of three years or till the conclusion of the trial whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.

(v) On being released on bail, the applicant shall furnish her contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(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 bail and they may not be construed as an expression of opinion on the guilt or otherwise of

the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

(viii) The Interim Application also stands disposed.

(N.J.JAMADAR, J.)