

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

ANTICIPATORY BAIL APPLICATION NO. 408 OF 2024

Phoolkumar Muneshwari Jha

..Applicant

Versus

State of Maharashtra

..Respondent

Mr. Siddhartha Shitole for Applicant.

Mr. Balraj Kulkarni, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 13 FEBRUARY 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 424 of 2023, registered at Kashimira Police Station, on 12.06.2023, under Sections 420, 467 and 468 of the Indian Penal Code.

2. Heard Mr. Siddhartha Shitole, learned counsel for the applicant and Mr. Balraj Kulkarni, learned APP for the State.

3. The F.I.R. is lodged by one Anand Kamble. He has stated that, his father Baburao Kamble had a room at Janata Nagar, having Room No.2752. In lieu of that room the informant's

family had got a place in the transit camp. Three years prior to the F.I.R. the informant's family had got room No.1809/1810 at Darvesh building, Penkar pada, Mira road (E). The informant's family had got that particular room in place of his father's room at Janata nagar. The informant himself did not have any room in his name and he had not got any other room in place of that particular room of his father.

4. In 2022, the informant came to know from one Kanchan Sutar that the present applicant had forged a power of attorney in the name of the present informant and had used that document to get a room at Pinakola Mangal nagar, Mira road. The informant made enquiries with Mira Bhayandar Municipal Corporation. He came to know that the applicant had used a power of attorney dated 22.03.1990 purportedly executed by the informant for getting that room. According to the informant, it was a forged power of attorney. In the year 1990 he was only four years of age and, therefore, he could not have executed that power of attorney. There are allegations that the applicant had used forged power of attorney, as well as, other forged documents to get

the room No.1326 at Pinakola Mangar nagar. Thus, the applicant had obtained that room No.1326 by claiming the ownership of room No.1886. On this basis the F.I.R. is lodged.

5. Learned counsel for the applicant submitted that, there was another Anand Kamble in that area and the power of attorney was executed of that person and, therefore, the power of attorney is genuine. He submitted that the prosecution case is that the applicant had used a forged ration card. He submitted that, these allegations are not correct as the rationing card used by him was also genuine.

6. Learned APP produced the investigation papers before the Court to oppose this application. The investigation papers show that the applicant's date of birth is 12.06.1987. Therefore, in the year 1990 he was indeed four years of age. The investigation also revealed that the investigating agency had verified the ration card submitted by the applicant with the record of the Rationing officer. The investigating agency was informed by the authorities vide letter dated 06.06.2023 that the said ration card was not

distributed from that office. Learned APP also relied on the statement of one neighbour of the applicant. She has stated that the applicant was residing in the room of one Nimikant Jha on rent. The applicant had filled the form based on Nimikant Jha's room and he had used forged papers to claim the ownership of the alternate accommodation. The statement of that witness is recorded U/s.164 of the Cr.p.c.

7. I have considered these submissions and I have perused those documents. The investigation so far has revealed that the applicant has used forged documents to claim ownership of alternate accommodation. The letter from the concerned authority of rationing department is clear enough. The investigation has revealed that the applicant has used a forged ration card to claim alternate accommodation of a particular room in that vicinity. The neighbour stated that the applicant was only staying as a tenant in one Nimikant Jha's room. All this shows that the applicant has committed a serious offence and has deprived the real owner of the accommodation. In this view of the matter, as submitted by learned APP, it is necessary to find out the other

persons involved in the offence; so that, these offences are curbed.

The custodial interrogation of the applicant is necessary.

8. The application is rejected.

(SARANG V. KOTWAL, J.)