

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

ANTICIPATORY BAIL APPLICATION NO.394 OF 2024

Chandrabai Vijay Kalan

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Ms. Rashmi Bhandarkar a/w Rajendra Tajane a/w Mahesh Shivdas, Advocate for Applicant.
- Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 12th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.76/2023, dated 10/04/2023, registered with Tilak Nagar Police Station, Thane City, under sections 420, 419, 465, 467, 468, 471, 114, 120-B r/w 34 of the Indian Penal Code.
2. Heard Ms. Rashmi Bhandarkar, learned counsel for the Applicant and Ms. Pallavi N. Dabholkar, learned APP for the State.

3. The FIR is lodged by one Tanaji Jadhav. He has stated that in November 2021 he wanted to purchase a room. He came to know that there was an ongoing project at Thakurli by the name Krishna Villa. The informant went to the site. He went to their office. He came to know that the project was developed by M/s. Krishna Constructions. There were four partners. The informant liked the project. He decided to purchase a room. After a few days he went to the office of M/s. Krishna Constructions. He met Sharada Chaudhari and Shesharam Chaudhari. They showed them the documents. The project was at Kanchangaon. It is mentioned in the FIR that the owners of that property were shown as Rukmabai Kalan, the present Applicant, Datta Kalan, Bala Kalan and Sangita Kalan. The partners of Krishna Constructions told him that the project was authorized and the plan was sanctioned by Kalyan Dombivali Municipal Corporation. The informant paid some amount by cheque and the balance amount by taking loan from Cosmos Bank, Ghatkopar Branch. Thus, in all, he paid Rs.19 lakhs. He

got possession on 27/03/2022. He started residing there on 20/04/2022. Before that on 04/03/2022 itself he and other residents of the building had received the notice that the building was unauthorized and that they had to vacate the building. In spite of that, they continued residing there. However, since the construction was unauthorized, the bank officers of Cosmos bank issued notice to the informant and the developer. According to the informant there were other residents who had similarly purchased rooms. It was subsequently revealed that the Applicant and others who were supposed to be the owners, were not actually owning that land and based on the false documents, the project was started. There are allegations that one forged 7/12 extract showing the Applicant and others as the owners, was used for executing the development agreement. On these allegations the FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant is an illiterate senior citizen. She was not even aware of the documentation. The partners of the developers have

created all these documents and therefore they are responsible for using those documents. Since before, the Applicant and her other relatives were residing in that particular land in a small chawl. Therefore, they believed that it was being redeveloped and they were to get a flat and compensation amount. In all, she has received Rs.4 lakhs as her share of her room. She has three daughters to look after. She has not committed any offence.

5. Learned APP produced investigation papers before me, which contain development agreement and one 7/12 extract regarding that piece of land, annexed to that development agreement, which shows that the Applicant was one of the owners. Learned APP produced statements of the arrested accused. In those statements one significant statement is of one Datta Kalan. He has stated that the Applicant and others had signed the documents as guided by him. Thus in fact he has exonerated the present Applicant and he is taking the blame for execution of those documents. There are other statements of other co-accused namely Vipul Chaudhari and Sakharam

Chaudhari. Their statements show that the entire project was started by Shobharam Chaudhari and there is a strong possibility that he was instrumental in getting those documents prepared. The statement of Talathi Ravindra Chaudhari shows that, the Applicant and others were not the owners of that particular land.

6. I have considered these submissions. There is a strong possibility that the Applicant was unaware of the exact nature of the documents. She is an illiterate lady. She had received Rs.4 lakhs given to her as her share. But as submitted by the learned counsel for the Applicant, she may not have been aware of the forgery. From the statements referred to herein above, it appears that she had merely put her thumb impression as was told to her. The others have taken advantage of her situation and have constructed unauthorized construction. The Applicant has not gained anything substantial. In this view of the matter, custodial interrogation of the Applicant is not necessary. She can be directed to cooperate with the investigation.

7. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.76/2023, dated 10/04/2023, registered with Tilak Nagar Police Station, Thane City, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)