

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

ANTICIPATORY BAIL APPLICATION NO. 1300 OF 2024

1. Rajendra Dayaprasad Gaikwad		
2. Sulakshana Rajendra Gaikwad	...	Applicants
Versus		
The State of Maharashtra	...	Respondent

Mr. Devendra S. Joshi for the Applicants.
Mr. Prasanna P. Malshe, APP for Respondent-State.
Mr. Narayan A. Patil, API, Sangvi Police Stn., Pimpri-Chinchwad.

CORAM: MANISH PITALE, J.
DATE : 8th AUGUST 2024

P.C. :

. Heard learned counsel for the applicants and learned APP for the respondent-State.

2. The applicants are apprehending arrest in connection with FIR No. 0118 of 2024 dated 27th March 2024 registered at Sangvi Police Station, Pimpri-Chinchwad, for offences under Sections 406, 420, 467, 468 and 471 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The informant is the ex-wife of the applicant No.1. Her grievance is that the applicant No.2, who is the current wife of the applicant No.1, impersonated as the informant, while executing registered document in respect of a flat, of which the applicant No.1 and the informant are joint owners. It is the case of the informant that she was divorced from the applicant No.1, but the

said flat continued to be jointly in the name of the informant and the applicant No.1. Although, the registered document was executed in the year 2015, the informant became aware about the same in August 2023 and therefore, she approached the Police for registration of the FIR.

4. The learned counsel for the applicants submits that the FIR is delayed because even according to the informant, she gained knowledge in August 2023 and yet the FIR was registered on 27th March 2024. It is submitted that the subject document is now impounded and since, the applicants are ready to cooperate with the investigation, this Court may consider showing indulgence to the applicants. It is further submitted that the applicants have two children, a 17 years old boy and a 12 years old girl. In that light, this Court may show leniency towards the applicants.

5. The learned APP has opposed the prayer made in the present application. He submits that alleged delay in registration of the FIR, cannot make out a case for anticipatory bail in favour of the applicants, for the reason that there are serious offences alleged against them, including impersonation by the applicant No.2. Serious offence under Section 467 of the IPC is registered against the applicants. It is submitted that since a strong case is made out against the applicants, the application ought to be dismissed.

6. A perusal of the statement of the informant, leading to registration of the FIR, shows that specific allegation is made

about the flat being jointly in the name of the applicant No.1 and his ex-wife i.e. the informant. This fact being clearly within the knowledge of the applicants, they proceeded to impersonate the informant and executed a registered document in the year 2015 in respect of the said flat. The learned APP has produced copies of the relevant documents, which show photograph of the applicant No.2 was affixed, showing her as being the informant. A strong case is clearly made out against the applicants. Serious allegation pertaining to impersonation is made and therefore, this Court is not inclined to hold in favour of the applicants. Merely because the informant could approach the Police, after a few months of knowledge of the said registered document, cannot be a ground to show any indulgence to the applicants.

7. But, this Court finds that in the present case, if both the applicants are taken into custody, their children may face difficulties. The children include a girl child of 12 years old and therefore, this Court is of the opinion that the applicant No.2, being a woman and the mother of the said children, can be shown indulgence, while the prayer for anticipatory bail made on behalf of the applicant No.1 can be rejected.

8. In view of the above, the application is partly allowed in the following terms :

- (a) The prayer for anticipatory bail made on behalf of the applicant No.1-Rajendra Dayaprasad Gaikwad is rejected.

(b) In the event the applicant No.2-Sulakshana Rajendra Gaikwad is arrested in connection with FIR No. 0118 of 2024 dated 27th March 2024 registered at Sangvi Police Station, Pimpri-Chinchwad, she shall be released on bail on furnishing PR Bond of Rs.50,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(c) The applicant No.2 shall remain present before the Investigating Officer on 12th August 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant No.2 shall cooperate with the investigation.

(d) The applicant No.2 shall not tamper with the evidence of the prosecution in any manner. She shall not influence the informant, witnesses or any other person concerned with the case.

9. Needless to say, violation of any of the aforesaid conditions would make the applicant No.2 liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant No.2 in the present application.

10. The application is disposed of.

MANISH PITALE, J.