

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

ANTICIPATORY BAIL APPLICATION NO. 1438 OF 2024

Seema Bharat Salunkhe

...Applicant

Versus

State of Maharashtra

...Respondent

- Mr. Dhananjayrao D. Rananaware, for the Applicant.
- Mr. Tanveer Khan, APP for the State

CORAM : MANISH PITALE, J.

DATE : 11th JUNE, 2024.

P. C. :

1. Heard learned counsel for the applicant and the learned APP.
2. The applicant apprehends arrest in the context of First Information Report No. 0279 of 2024 dated 19th March, 2024 registered at Satara City Police Station for the offences under Sections 420, 465, 468 and 471 read with 34 of the Indian Penal Code (IPC). There are two accused persons, one of whom is the applicant before this Court.
3. The allegation against the applicant, who is a lady, appears to be that she used a Power of Attorney executed in her favour by the co-accused person and on the strength of the said Power of Attorney, by utilizing an allegedly fabricated map, proceeded to execute Sale Deed in respect of the property that was subject matter of the Power of Attorney, in her favour.

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4. It appears that certain persons approached the office of the Sub Registrar making a grievance that the map used and annexed along with the aforesaid sale deed was a fabricated document. This led to the office of the Sub Registrar conducting an enquiry, whereupon the Senior Clerk of the office of the Sub Registrar provided the information to the Police Authorities leading to registration of the aforesaid FIR.

5. The learned counsel for the applicant submitted that in the present case, there is a background of enmity in the sense that the persons who lodged the complaint before the office of the Sub Registrar are related to the applicant through her father-in-law and there are civil litigations pending between the parties. Reference is made to a judgment dated 08th October, 2010 passed in Regular Civil Suit No. 452 of 1997, wherein one of the plaintiffs is the complainant before the office of the Sub Registrar and the applicant is defendant No.2B-2 in the said litigation.

6. It is submitted that even if the statement given by the co-accused person before the Sub Registrar during the course of enquiry is taken into consideration, it becomes clear that he has no grievance with regard to the amounts that exchanged hands during the course of the transactions leading to execution of the registered Sale Deed. Appropriate consideration has been received by the said co-accused person, who is the vendor. It is indicated that

the applicant was interested in purchasing the subject land as it is adjacent to her house and the statement leading to registration of FIR would also indicate that the alleged fabricated map was handed over by the co-accused to the applicant.

7. It is submitted that the ingredients of the offence of Section 420 of the IPC are not made out in the facts of the present case and even if it is alleged that offence under Sections 465 or 471 of the IPC is made out, both the offences are bailable. Insofar as Section 468 of the IPC is concerned, it is submitted that there is hardly any material to show that the applicant committed the alleged forgery. On this basis, it is submitted that this Court may consider granting urgent ad-interim relief, with an undertaking that the applicant is ready to cooperate with the investigation.

8. On the other hand, learned APP submitted that the FIR has been registered recently on 19th March, 2024 and for the purposes of investigation the custody of the applicant would be required, particularly because the subject documents are still in her custody. It is submitted that after questioning the applicant it would become clear as to the role of the applicant and co-accused in the process of fabricating the said documents. On this basis, the learned APP has opposed the grant of interim relief.

9. This Court has considered the material on record. The FIR has

been registered at the behest of a Senior Clerk in the office of the Sub Registrar, pursuant to an enquiry conducted by the office of the Sub Registrar into allegations leveled in respect of a map annexed to the registered Sale Deed executed in favour of the applicant. The material placed on record on behalf of the applicant does indicate that the complainants, or at least one of them, is indeed having a long standing civil litigation and dispute with the applicant and her family. It is also evident that the disputing parties are related to each other. To that extent, the trigger point for lodging of complaint leading to initiation of enquiry by the office of the Sub Registrar is clouded by the backdrop of the civil litigation between the complainant and the applicant.

10. The statement leading to registration of the FIR dated 19th March, 2024, shows that during the course of enquiry in the office of the Sub Registrar it is recorded that the said alleged fabricated map was handed over by the co-accused to the applicant. It is on the basis of the said map and the Power of Attorney executed by the co-accused in favour of the applicant that the registered Sale Deed was executed.

11. The statement of co-accused during the course of enquiry before the Sub Registrar acknowledges the fact that the entire consideration was indeed paid by the applicant. It is also stated that the Power of Attorney was executed in favour of the applicant as the co-accused person is a senior citizen

suffering from health issues.

12. The applicant is a lady, who is having roots in the society. It does not appear that she has any criminal antecedents and she appears to have executed the registered Sale Deed on the strength of the registered Power of Attorney, copy of which is placed on record. As regards cooperation with the investigation, appropriate directions can be issued. But, this Court at this stage is convinced that the applicant has indeed made out her case for granting interim protection, subject to co-operation with the investigation.

13. In view of the above, while granting time of three weeks to the learned APP to file reply affidavit and to take instructions, the following interim order is passed :

- (A) In the event the applicant is arrested in connection with First Information Report No. 0279 of 2024 dated 19th March, 2024 registered at Satara City Police Station, she shall be released on bail on furnishing PR bond of Rs.25,000/- and one surety in the like amount.
- (B) The applicant shall cooperate with the investigation and remain present before the Investigating Officer as and when directed.
- (C) The applicant undertakes to deposit all the relevant

documents with the Investigating Officer, including the original registered Sale Deed and accompanying documents.

14. List the application for further consideration on 10th July, 2024.

(MANISH PITALE, J.)