

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1505 OF 2024

Malti Vilas Karpe	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. Nitin Gaware Patil a/w. Mr. Shantanu Kolhe for Applicant.
Mr. Bapu V. Holambe-Patil, APP for Respondent-State.
Mr. A. R. Nanaware, Police Constable, Vadgaon Maval Police Station.

CORAM : MANISH PITALE, J.
DATE : JUNE 12, 2024

P.C. :

1. By this application, the applicant seeks anticipatory bail in the context of FIR registered on 05.04.2024 at Vadgaon Maval Police Station, District - Pune for offences under Sections 420, 467, 468, 471 a/w. Section 34 of the Indian Penal Code, 1860 (IPC).

2. The applicant is one of the seven accused persons and the allegation is that, she along with the other accused persons conspired to have a power of attorney executed in favour of co-accused person Vilas Karpe, who is her husband. It is alleged that even the informant was shown as one of the persons who executed the said document and that photograph of some unknown lady was affixed to the document showing her to be the informant, thereby executing a fraudulent document.

3. At the outset, the learned counsel appearing for the applicant invited attention of this Court to the order dated 09.05.2024 passed by the Court of Additional Sessions Judge, Vadgaon Maval, District Pune, whereby five co-accused persons have been granted anticipatory bail. It is submitted that the applicant is also similarly situated like the said co-

accused persons and it cannot be said that the applicant is a beneficiary under the subject document. It is pointed out that the applicant is about 76 years old. The document was executed in the year 2017 and the FIR has been registered after about seven years.

4. Further it is indicated that under the document, the power of attorney holder i.e. Vilas Karpe was authorized to take necessary steps for maintenance and upkeep of the property and he was not authorized to deal with the property in any manner. It was brought to the notice of this Court that Vilas Karpe had caused a public notice to be issued on 20.03.2024, stating that the said power of attorney had been cancelled on 28.12.2023.

5. The learned APP has opposed the present application, stating that even in the order granting relief to the five co-accused persons, the Sessions Court has observed that the applicant along with the said Vilas Karpe i.e. her husband are the main beneficiaries under the said document.

6. This Court has perused the material on record. The power of attorney was executed in the year 2017 and the FIR has been registered after about seven years on 05.04.2024. Although the allegation in the FIR appears to be serious to the extent that the photograph of some unknown lady has been affixed and she has been shown as the informant, it would be appropriate to appreciate as to what could be said to be the role of the co-accused persons who have been granted relief by the Sessions Court. A perusal of the statement of the informant, leading to registration of the FIR, would show that allegations of identical nature have been made against even the other accused persons when compared to the allegations against the applicant before this Court. A perusal of the power of attorney shows that it was executed in favour of Vilas Karpe i.e. the husband of the applicant and in that sense, it cannot be said that

the applicant is the main beneficiary. In any case, there is substance in the contention raised on behalf of the applicant that the power of attorney does not authorize the power of attorney holder to alienate the property in any manner. A copy of the aforesaid public notice also indicates that the power of attorney has been purportedly cancelled.

7. In any case, the applicant is a lady aged about 76 years and there is nothing to indicate that she would be avoiding the process of law. Appropriate conditions can be imposed for granting relief to the applicant in the facts and circumstances of the present case, particularly taking note of the fact that the FIR has been registered in 2024, while the document pertains to the year 2017.

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

- A. In the event the applicant is arrested in connection with FIR No.0188 of 2024 dated 05.04.2024, registered with Vadgaon Maval Police Station, District Pune Rural, she shall be released on bail on furnishing PR Bond of Rs.25,000/- [Rupees Twenty Five Thousand only] and one surety in the like amount;
- B. The applicant shall co-operate with the investigation, and she shall remain present before the investigating officer as and when required.
- C. The applicant shall not influence the informant, witness or any person concerned with the case and she shall not tamper with the evidence.

9. The application is disposed of.

(MANISH PITALE, J.)