

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

ANTICIPATORY BAIL APPLICATION NO. 1512 OF 2024

Hausabai Ananda Bhosale	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Aniket Vagal a/w Kunal N. Pednekar and Savvy Kolhekar for the Applicant.

Mr. Prasanna Pradeep Malshe, APP for Respondent-State.

**CORAM: MANISH PITALE, J.
DATE : 9th JULY 2024**

P.C. :

1. Heard learned counsel for the applicant and learned APP for respondent-State.

2. The applicant is a woman aged about 60 years and she has approached this Court apprehending arrest in connection with FIR No.0222 of 2022 dated 24th August 2022 registered at Upnagar Police Station, Dist. Nashik, for offences under Sections 420, 465, 466, 467 and 199 of the Indian Penal Code, 1860 (IPC).

3. The informant in the present case had to file an application before the Jurisdictional Magistrate under Section 156(3) of the Code of Criminal Procedure, 1973 (Cr.P.C.). The application was granted and therefore, the subject FIR came to be registered. The grievance of the informant is that the accused persons i.e. the applicant and her son created a false genealogy in order to show themselves as legal heirs of the grandfather and father of the

informant and on that basis, caused mutation in revenue entries in the year 2016, concerning ancestral property of the informant. It is further claimed that in the year 2022, the applicant became aware about the aforesaid fraud committed by the accused persons and thereupon, he took steps for registration of offences against the accused persons.

4. The learned counsel for the applicant submits that the thrust of the allegations is against the co-accused i.e. son of the applicant. The name of the applicant has been included because the mutation entry indeed showed the co-accused and the applicant as the persons in whose favour the mutation entry was made. It is submitted that co-accused i.e. son of the applicant was arrested and he has been granted regular bail. It is submitted that considering the fact that specific overt act is not alleged against the applicant and her name is shown as an accused only on the basis that the mutation entry made in her favour, this Court may consider the present application favourably. It is brought to the notice of this Court that the mutation entry is subsequently rectified at the behest of the informant.

5. The learned APP submits that the allegations against the accused persons are clear and the involvement of the applicant is evident from the fact that her name was fraudulently entered along with the co-accused person as a legal heir of the father of the informant. It is submitted that the allegations are serious and since the applicant did not respond to notices issued under Section

41A of the Cr.P.C., the prayer for anticipatory bail may not be considered.

6. The statement of the informant, leading to registration of the FIR, shows that since he was working in Merchant Navy and he could not regularly follow up the matters regarding his ancestral properties, according to him, the accused persons took advantage of situation and caused fraudulent entries to be made in the revenue records in their favour, concerning the ancestral property of the informant, although the accused persons are in no way related to him. This Court is of the opinion that the allegations made in the present case *prima facie* indicate overt acts on the part of the son of the applicant. It appears that the names of both the applicant and the co-accused person i.e. her son were added in the revenue record pertaining to the ancestral property of the informant. But, the allegations in the present case, at this stage, do not attribute a specific role of the applicant, who is a woman and a senior citizen. It is the matter of record that the co-accused person i.e. the son of the applicant is already granted bail. In such circumstances, this Court is inclined to allow the present application, so long as the applicant cooperates with the investigation.

7. 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.0222 of 2022 dated 24th August 2022 registered at Upnagar Police Station, Dist. Nashik, she shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(b) The applicant shall remain present before the Investigating Officer on 12th July 2024 and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the Investigating Officer during the course of investigation.

(c) The applicant 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.

8. Needless to say, violation of any of the aforesaid conditions would make the applicant 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 in the present application.

9. The application is disposed of.

MANISH PITALE, J.