IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2312 OF 2024

1. Nutan Nitin Mokashi
2. Chetana Yogesh Patil
3. Yogesh Kashinath Patil … Applicants

Vs.

1. State of Maharashtra
2. Milind Vasant Patil … Respondents

Mr. Sandesh D. Patil i/b. Mr. Prithviraj S. Gole for Applicants.
Mr. Tanveer G. Khan, APP for Respondent-State.
Mr. Tanoj Mohan Joshi and Ms. Shivani Ajaysinh Gautam for Respondent No.2.
Mr. R. M. Belkar, PSI and Mr. R. R. Choudhari, H.C., Vikramgad Police Station, Palghar.

CORAM : MANISH PITALE, J.
DATE : SEPTEMBER 04, 2024

P.C. :

. Heard Mr. Patil, learned counsel for the applicants and Mr. Khan, learned APP for the respondent-State, as also Mr. Joshi, learned counsel having instructions to appear on behalf of the first informant.

2. In the present case, the applicants are apprehending arrest in connection with FIR No.0152 of 2024 dated 22.06.2024 registered with Vikramgad Police Station, District - Palghar, for offences under Sections 380, 420, 465, 467 and 468 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The informant, in the present case, is the brother of applicant Nos.1 and 2 and the brother-in-law of applicant No.3. The informant has alleged that the applicants and other accused persons, who were office bearers and trustees of a particular Charitable Trust, indulged in

activities of forgery and fabrication of which the informant became aware in February 2023. The informant also claims to be associated with the said Trust and it is alleged that when such activities of forgery and fabrication, leading to cheating the Trust and the concerned Government authorities came to light, the informant was constrained to move the police for registration of the FIR.

4. The learned counsel for the applicants submits that the genesis of the dispute, in the present case, is essentially a family dispute, involving the applicants, the informant and the father of the informant, who is also the father of applicant Nos.1 and 2. Attention of this Court is invited to a previous FIR registered against the informant in the present case, wherein the father is the aggrieved person. The aforesaid FIR is dated 21.06.2024, registered at the very same police station, for offences under the provisions of the IPC, as also Section 24 of the Maintenance & Welfare of Parents and Senior Citizens Act, 2007. It is submitted that the informant himself was party to Change Reports, that were submitted before the office of the Charity Commissioner in the years 2010, 2015 and 2020, wherein he was the Treasurer of the said Trust. In that light, it is submitted that the grievance, now being raised by the informant, is obviously belated and it is triggered by the family dispute involving the father of the informant, wherein the applicants have been unnecessarily roped in.

5. It is submitted that the three Change Reports of the aforementioned years were eventually withdrawn at the behest of the informant himself and this fact is suppressed while causing the FIR to be registered. It is submitted that in any case, the nature of investigation in the present case involves documentary material and physical custody of the applicants would not be necessary. It is further pointed out that the applicant No.1 is a medical officer, while applicant Nos.2 and 3 are

holding PhDs and they are the professors. Being well respected citizens, their physical custody in the facts and circumstances of the present case, is not warranted at all. On this basis, it is submitted that this Court may allow the present application.

6. On the other hand, the learned APP submits that the ingredients of the serious offences registered in the present case are made out by the elaborate statement of the informant leading to registration of the FIR. There are specific allegations about the applicant No.2 withholding documents pertaining to the Trust. There are also specific allegations about signatures of certain trustees having been forged by the applicants and other accused persons, thereby indicating that no case is made out for granting anticipatory bail. It is further submitted that granting protection, at this stage, would have the effect of hampering appropriate investigation into the matter.

7. The learned counsel, having instructions to appear on behalf of the first informant, supported the submissions made by the learned APP and further brought to the notice of this Court that although the subject FIR was registered in June 2024, the grievance in that regard was raised for the first time by the informant in February itself. Therefore, the claim that the present FIR is a counter-blast to the FIR registered at the behest of the father of the informant is not sustainable.

8. This Court has considered the statement of the informant leading to registration of the FIR and the other documentary material placed on record with the application. It is an admitted position that the applicant Nos.1 and 2 are the sisters of the informant and the applicant No.3 is his brother-in-law. All the parties are well educated and they have been associated with the aforementioned Trust for a considerable period of time. It appears that the father of the informant was actively involved in the activities of the Charitable Trust.

9. The material on record does give an impression that certain disputes and bitterness have arisen between the informant on the one hand and his father and the applicants on the other hand. It appears that in the backdrop of such disputes and bitterness, the informant has chosen to level allegations about certain wrongdoings of the accused persons, including the applicants, concerning the affairs of the said Trust.

10. The material on record also shows that the informant himself has been consistently associated with the Trust from the year 2010 onwards as its Treasurer. In the capacity of being Treasurer of the said Trust, obviously, the informant would have been knowing all the activities being undertaken in the office of the Trust, and therefore, *prima facie*, ignorance shown by him till February 2023 about such wrongdoings appears to be unnatural. Apart from this, the informant has not alleged that his signatures were forged on any of the Change Reports filed from the year 2010 onwards. It is also not alleged that his signatures were forged on an application moved for withdrawing all the three Change Reports from the year 2010 onwards. The allegations pertaining to forgery are of a different nature and this further indicates a strong *prima facie* case in favour of the applicants when they allege that they have been wrongly roped in by the informant in the backdrop of the family dispute and bitterness that has arisen primarily between the informant and his father.

11. The elaborate statement of the informant leading to registration of the FIR contains allegations, which appear to be in some aspects 'stale' and this also raises some doubt about the genuineness of the grievances sought to be raised by the informant.

12. In any case, the nature of investigation into the offences in the present case would involve documentary material. One of the allegations made specifically against the applicant No.2 is that she is withholding

certain vital documents, which would hamper further investigation in the matter. The said aspect can be taken care of by issuing appropriate directions to the applicants. But, the applicants have clearly made out a case in their favour for protection from arrest, so long as they co-operate with the investigation.

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

A. In the event the applicants are arrested in connection with FIR No.0152 of 2024 dated 22.06.2024 registered with Vikramgad Police Station, District - Palghar, they shall be released on bail on furnishing PR Bond of Rs.25,000/- [Rupees Twenty Five Thousand only] each with one or two sureties in the like amount;

B. The applicants shall remain present before the investigating officer between 10:00 a.m. and 12 noon on 09.09.2024 and 10.09.2024 and thereafter as and when required by the investigating officer;

C. They shall co-operate with the investigation, including producing all documents in their possession as may be demanded by the investigating officer;

D. The applicants shall not influence the informant, witnesses or any person concerned with the case and they shall not tamper with the evidence.

14. Needless to say, violation of any of the aforesaid conditions would make the applicants 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

applicants in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

15. The application is disposed of.

(MANISH PITALE, J.)

Minal Parab