

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

Anticipatory Bail Application No. 2334 of 2024

Kalpana Ranjit Gaikar
Age 45 years, Occ. Household,
R/at. Village Phansipada,
Opp. Holypath School,
Anandnagar MIDC, Ambernath,
Dist. Thane.

... Applicant

Versus

1. The State of Maharashtra
(At the instance of Police Inspector,
Shivajinagar Police Station, Ambernath)
Vide their C.R. No.692 of 2024

2. Shalan Madhukar Khamkar
Age about 69 years, Occ. Business,
R/at. Room No.742, Sai Ganesh
Chawl, Rahivashi Seva Sangh,
Yashwantrao Chavan Marg,
Mankhurd, Mumbai.

... Respondents

Mr Umar Kazi a/w Ms Sonia Santis, for the applicant (through VC).

Mr Arfan Sait, APP, for respondent No.1/ State.

Mr Jayant Bardeskar i/b Ms Aishwarya Adhikari, for respondent No.2.

PSI Hajare, Shivajinagar Police Station, Ambernath (E), is present.

Coram: R.N. Laddha, J.

Date: 13 December 2024.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.692 of 2024, registered at Shivajinagar Police Station, Thane city, for offences punishable under Sections 420, 465, 467, 468 and 471 read with 34 of the Indian Penal Code.

2. According to the prosecution, the informant purchased room No.2, measuring 10 x 20 sq.ft, in chawl No.2, Phansipada, Ambernath, Thane, from the applicant and her husband Ranjit Gaikar, who is a co-accused, for a total of Rs.2,25,000/-. The payment was made by a cheque dated 5 January 2012. On 9 January 2012, co-accused, Ranjit, executed an irrevocable power of attorney-cum-sale deed in favour of the informant, which was notarised. After the purchase, the property was rented out, and the informant received rent from the applicant and her husband. However, the applicant and her husband eventually stopped paying rent and provided evasive responses. Later, the applicant and Ranjit decided to develop the land by constructing a building on it. In February 2024, the informant discovered that the land is owned by the Forest department. It is alleged that the applicant and her husband misrepresented the facts to the informant,

thereby cheating the informant and sixteen other individuals.

3. The learned Counsel for the applicant submits that the alleged transaction took place in 2012, while the FIR was only filed in 2024. There is a substantial delay in lodging the FIR. Furthermore, the learned Counsel submits that the applicant did not sign any documents, including the Power of Attorney, and is no way concerned with the alleged crime. The cheque in question was issued to a co-accused, not the applicant. Additionally, the notice from the Forest department dated 16 February 2024, was not addressed to the applicant. According to the learned Counsel, the applicant has been falsely implicated in the present crime.

4. On the contrary, the learned APP, along with learned Counsel for respondent No.2, submit that the offence is of a serious nature. The applicant deceived multiple individuals in a similar way. The applicant sold forest land to these individuals. Upon receiving a notice from the Forest department, the informant discovered that the land actually belongs to the Forest department. The informant, believing that the applicant and her husband were the owners, had purchased the property.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records.

6. Upon perusing the records, it appears that there are no allegations that the applicant misrepresented or pressured any purchaser to buy the alleged property. Furthermore, the prosecution has not claimed that the applicant has any connection to the business of co-accused. The records also shows that the applicant is not a signatory to any documents involving the alleged purchasers of the property. The amounts allegedly paid by the first informant and others were not made in the applicant's name. Additionally, the prosecution's case is primarily based on the documents that are admittedly in the custody of the investigating officer. There has also been a significant delay in filing the FIR. Moreover, the learned APP acknowledges that the investigation is on the verge of completion. In these circumstances, custodial interrogation of the applicant does not appear necessary to facilitate the investigation. As a result, the application is allowed in the following terms :

ORDER

(i) In the event of the applicant's arrest in connection with CR No.692 of 2024, registered at Shivajinagar Police Station, Thane, she shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall attend the concerned police station as and when required.

(iii) The applicant, herself or through any other person, shall not indulge in any activity that may tamper with the evidence or influence witnesses.

7. The application stands disposed of accordingly.

[R.N. Laddha, J.]