

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2340 OF 2024**

Shubhangi Mangesh Gaikwad ... Applicant

vs.

The State of Maharashtra ... Respondent

Mr. Amol B. Jagtap a/w. Mr. Pratik Jagtap, Ms. Pooja Makhija and Ms. Priya Dhawde for applicant.

Mr. Mayur S. Sonavane, APP for respondent-State.

CORAM : MANISH PITALE, J.

DATE : 23rd AUGUST, 2024

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No.0658 of 2023 dated 19.10.2023, registered at Mahalunge M.I.D.C. Police Station, District Pimpri-Chinchwad for offences under Sections 420, 465, 468 and 471 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The informant in the present case is the brother-in-law of the applicant and he has alleged that his brother i.e. the co-accused and the applicant i.e. the sister-in-law have forged certain documents and thereby, cheated him in the context of a family business.

4. The learned counsel for the applicant has invited attention of this Court to the documents on record to show that this is a case of cross-FIRs, as an FIR was registered prior in point of time, wherein the co-accused i.e. the husband of the applicant is informant. The said FIR was registered on

10.07.2023 and thereafter, the present FIR is registered after more than 3 months. Attention of this Court is invited to other documents on record to show that there is a civil dispute between the parties and in that context, the co-accused i.e. the husband of the applicant has already filed a civil suit before the competent authority at Pune.

5. The learned APP submits that there are allegations against both the accused persons in the statement of the informant, leading to registration of FIR. The ingredients of the offences are *prima facie* made out.

6. This Court is inclined to allow the application for the following reasons:

- (a) The FIR appears to be registered in the backdrop of a family dispute, particularly between the husband of the applicant, who is the co-accused and her brother-in-law, who is the informant.
- (b) The earlier FIR dated 10.07.2023 was registered at the very same police station, wherein the co-accused i.e. the husband of the applicant is the informant and her brother-in-law i.e. the informant herein and his wife are the accused persons.
- (c) In that context, offences are registered under Sections 323, 324, 504 and 506 read with Section 34 of the IPC. There is substance in the contention that the present FIR registered after more than 3 months, can be said to be a counterblast.
- (d) The statement of the informant, leading to registration of FIR, specifically alleges that the signatures of the informant were forged by the co-accused i.e. his brother and thereafter, a general allegation is made against both the accused persons about forgery and cheating.
- (e) A civil suit is already filed by the husband of the applicant i.e. the co-accused against the informant and others before the competent Court at

Pune with respect to the very dispute, which forms the basis for registration of the subject FIR. It can be said that a civil dispute is sought to be given the colour of criminality.

7. For the aforesaid reasons, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0658 of 2023 dated 19.10.2023, registered at Mahalunge M.I.D.C. Police Station, District Pimpri-Chinchwad, she shall be released on bail on furnishing PR Bond of ₹ 25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court;
- (ii) the applicant shall remain present before the Investigating Officer as and when the Investigating Officer calls upon to remain present;
- (iii) the applicant shall not tamper with the evidence of the prosecution in any manner. She shall not influence the informant, witnesses and other persons concerned with the case;
- (iv) the applicant shall co-operate with the investigation and also in the proceedings before the trial court.

8. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

9. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. The application stands disposed of.

(MANISH PITALE, J)