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

ANTICIPATORY BAIL APPLICATION NO. 3475 OF 2024

1. Rajendra Hiraman Mhatre
2. Chandra @ Sanjivani Mukane
3. Sharad Hiraman Mhatre
4. Balkrushna Rama Mukadam
5. Ravindra Govind Ghavankar
6. Pravin Govind Ghavankar ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. Aniket Nikam a/w Vishal Kattar i/by Trupti Bharadi for the Applicants.
Mr. Mayur S. Sonavane, APP for Respondent-State.
Mr. Aishwary Dolas i/by Mr. Sachin Dhakephalkar for the Intervenor.
Mr. Sachin W. Waykar, PSI, Panvel City Police Station, Navi Mumbai.

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CORAM: MANISH PITALE, J.
DATE : 19th DECEMBER 2024

P.C. :

. Heard learned counsel for the applicants, learned APP for the respondent-State and learned counsel having instructions to appear on behalf of the first informant, who intends to file an intervention application.

2. The applicants are apprehending arrest in connection with FIR No. 0625 of 2024 dated 21st October 2024 registered at Panvel City Police Station, Dist. Navi Mumbai, for offences under

Sections 420 and 465 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The statement of the informant, leading to registration of the FIR, shows that according to her, the applicant No.1 being her cousin, in connivance with the other applicants claimed that a registered Release Deed dated 4th July 2011 and subsequent Rectification Deed dated 13th February 2024 were executed and the beneficiary under the said documents was the applicant No.1. It is alleged that in the process, false assertions were made and this has resulted in the informant being deprived of her rights.

4. The learned counsel for the applicants, at the outset submits that in another FIR registered by the very same first informant, identical allegations were made, wherein this Court granted interim relief to the applicants (accused therein) and thereafter, the interim order was confirmed and the application was allowed, as the applicants therein cooperated with the investigation and also submitted the original documents to the Investigating Officer. It is submitted that in the present case also the applicants are ready to deposit the original documents with the Investigating Officer and they are ready to cooperate with the investigation. It is submitted that the applicant No.2 is a 68 year old woman. The applicant Nos.3 to 6 are alleged to have signed as witnesses to the aforesaid two documents, while the applicant No.1 is the only alleged beneficiary.

5. The learned APP and the learned counsel having instructions to appear on behalf of the first informant, have opposed the contentions raised on behalf of the applicants. It is submitted that ingredients of the alleged offences are made out and the informant has been deprived of her rights due to the illegal acts of the applicants.

6. It is relevant to note that while granting interim relief in favour of applicant Nos.1 and 3 herein, along with co-accused person, in an identical FIR, by order dated 16th August 2024 passed in Anticipatory Bail Application No. 2055 of 2024, this Court had made the following observations :

> *"8. This Court has considered the rival submissions. In the first place, it is found that the applicant No.3 is a woman and she is 80 years old. Only on this ground, this Court is inclined to grant relief to the applicant No.3. As regards applicant Nos.1 and 2, it is found that the aforesaid document dated 04.07.2011 does show that the entire benefit of the said document accrues to applicant No.1. On the face of it, prima facie, it does appear that false statements are part of the said document, inasmuch as reference is made to a legal heirship certificate while none exists. Even the rectification deed of 16.02.2024 carries the same false assertions. It is also a matter of record that both the documents show the father of the informant dead before the registered document dated 04.07.2011 was executed, while he expired much later in the year 2024. There can be no doubt about the fact that the aforesaid statements are factually incorrect and that, applicant Nos.1 and 3 were directly involved as they are the signatories to the said document. The explanation sought to be given by the applicants that the order dated 22.02.2011 passed by the competent authority under Section 32-G of the Tenancy Act was erroneously stated as a legal heirship certificate, cannot*

> *be accepted at this stage itself. In any case, the effect of the said false statements and the registered documents dated 04.07.2011 and 16.02.2024 appears to be that the informant and her siblings may be completely deprived of their claim in the ancestral property. Therefore, it cannot be said that the ingredients of the offences alleged against the applicants are not made out.*
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> *9. But, the nature of allegations in the present case does indicate that the investigation would necessarily involve documentary evidence and material. The most crucial documents being the registered release deed dated 04.07.2011 and the subsequent rectification deed dated 16.02.2024, the learned counsel appearing for the applicants, on instructions, has made a statement that these documents shall be deposited with the investigating officer on the first date on which the applicant Nos.1 and 2 would be directed to appear before the investigating officer. An undertaking is also given that the applicants will co-operate with the investigation."*

7. Since the allegations in the present FIR are identical, except for the fact that the Aunt of the applicant is a different person as compared to the earlier FIR, as also taking note of the fact that in this case also, the applicants are ready to deposit the two subject documents i.e. registered Release Deed dated 4th July 2011 and Rectification Deed dated 13th February 2024 and they are ready to cooperate with the investigation, this Court is inclined to grant interim relief, while keeping the present application pending.

8. The above quoted observations apply to the facts of the present case also and therefore, interim relief can be granted, while the first informant can also file an intervention application, along with relevant documents.

9. In view of the above, there shall be interim order in the following terms :

(a) Till the next date, in the event the applicants are arrested in connection with FIR No. 0625 of 2024 dated 21st October 2024 registered at Panvel City Police Station, Dist. Navi Mumbai, they shall be released on bail on furnishing PR Bond of Rs.15,000/- each and one or two sureties in the like amount.

(b) The applicant Nos.1 and 3 shall remain present before the Investigating Officer on 21 December 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. They shall cooperate with the investigation. The other applicants are exempted from appearing before the Investigating Officer, although they shall cooperate with the investigation.

(c) The applicants shall deposit the aforesaid two documents i.e. registered Release Deed dated 4th July 2011 and registered Rectification Deed dated 13th February 2024, with the Investigating Officer.

(d) The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

10. In the event, the applicants violate any of the aforesaid conditions, the order passed today would be recalled.

11. List this application for further consideration on 23rd January 2025 (High on Board).

MANISH PITALE, J.