



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.720 OF 2024
(Smt. Kalawati w/o Arun Shinde Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms K.Y. Mandpe, Advocate for applicant.
Mr. N.B. Jawade, A.P.P. for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- OCTOBER 22, 2024.

By this application, the applicant is seeking pre-arrest bail in connection with Crime No.607/2024 registered with police station Hudkeshwar, Nagpur, District Nagpur for the offence punishable under Sections 406, 420, 465, 467 and 471 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Dinesh Mahadevraoji Khode on an allegation that he is residing at Nagpur along with his family members. In the month of January, 2023 he was intending to purchase a plot. At the relevant time, he got acquaintance with one Mukunda Dehare who informed him that present applicant is intending to sell the plot, and therefore, he met her. She has shown plot No.4 admeasuring 1500 sq.ft. at Jaitala, Nagpur. Thereafter after two days, the documents were shown to him. At the relevant time, the co-accused - Pallavi Shinde was also present who is the daughter-in-law of the present applicant. They both have disclosed the consideration

amount as Rs.25.00 lakhs and after negotiation agreed to sell the said plot in consideration amount of Rs.19.00 lakhs. On 08/01/2023, he has paid the token amount of Rs.1,01,000/- to the present applicant. At the relevant time, one Shankar Vaisware was also along with them. Thus, agreement to sale was executed in his favour and he has paid the amount of Rs.50,000/- by cheque in the account of the present applicant as well as amount of Rs.7,50,000/- in the account of her daughter-in-law Pallavi Shinde. It was agreed that the sale-deed is to be executed on 28/02/2023. Thereafter, after 8-10 days, he visited the said plot and seen the hoardings in the name of Gaya Hiwarkar in the said plot, therefore, he made enquiry and it revealed to him that the forged registration in his name of selling of the plot was executed. In fact, the said plot is owned by Gaya Hiwarkar. On the basis of the said report, police have registered the crime against the present applicant and the other co-accused.

3. Learned Counsel for the applicant submitted that the applicant is 69 years old. It is not possible for the present applicant to execute such type of the forged registered sale-deed in favour of the informant. He submitted that as far as her custodial interrogation is concerned which is not required as entire investigation revolves around the documentary evidence. In view of that, she be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and invited my attention towards the

statements of the witnesses which shows that one Haribhau Bagde has already executed the sale-deed in favour of Gaya Hiwarkar of plot No.4. As far as present applicant is concerned who was not owner of the said plot No.4. The statement of Gaya Hiwarkar is also recorded which shows that she is not acquainted with the present applicant or other co-accused. She further stated that present applicant has attempted to sell her plot to one Gandhi prior to this incident. Thus, the statement of this original owner of the plot shows that prior to this incident also attempt was made to sell the said plot to third person. The amounts are received by the present applicant in her account. There are the statements of other witnesses also which shows the *modus operandi* of the present applicant and the other co-accused as far as the execution of the sale-deeds are concerned. Thus, it reveals that present applicant has attempted to deceive the other persons also in the same manner. Considering the investigation papers which reveals the involvement of the present applicant in the alleged offence and considering the nature of the offence of forgery, admittedly her custodial interrogation is required. In view of that, the application deserves to be rejected.

5. The application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)