

AGK

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

BAIL APPLICATION NO.3306 OF 2024

Sudhir Dhyankumar Shingte	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Ms. Sana Raees Khan for the applicant.

Mr. Prasanna Malshe, APP for the State.

Mr. Rohit Kalubarme, API, Azad Maidan Police Station,
is present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 13, 2025

P.C.:

1. This is an application under Section 439 of the Code of Criminal Procedure, 1973. The applicant is seeking regular bail in connection with Crime Register No. 329 of 2022 registered with the concerned police station for offences punishable under Sections 420, 419, 465, 466, 467, 471, 474, 475 and 120B of the Indian Penal Code, 1860. These offences pertain to cheating, forgery of valuable security, using forged documents as genuine, and criminal conspiracy.

2. As per the case of the prosecution, in brief, it is alleged that the mother of the informant, namely Dr. Lalita Madhusudan Bhat, was born in the year 1925 at Berlin, Germany. The informant's grandfather Dr. Shamrao Annaji Kamat had married Mrs. Erna, a native of Berlin. The informant's mother stayed in Berlin with her

parents till the age of five. The informant and his brother are the only children of Dr. Lalita Bhat. It is alleged that in the later years, Dr. Lalita Bhat was living alone in her property located at Khar, Mumbai, and nobody was available to take personal care of her. Around the year 2010, the informant's brother admitted their mother into an old age home, where she stayed till her demise on 5th August 2013.

3. The case of the informant is that in October 2021, he learnt that some strangers had trespassed and were illegally occupying the property at Khar, which belonged to his late mother. Thereafter, the informant's brother approached this Court by filing Interim Application (Lodging) No. 23376 of 2021. In the said proceedings, this Court appointed the Court Receiver to take over possession of the said property and further directed that criminal action be taken against the persons found in illegal occupation. Accordingly, the Court Receiver removed the unauthorized occupants—namely Parvez Khan and others—and a separate FIR being C.R. No. 700 of 2021 was registered at Khar Police Station for offences under Sections 447, 434, and 427 of the IPC.

4. Thereafter, on 22nd December 2021, one Afroz A. Siddiqui, Advocate, issued a legal notice to the informant's brother as well as to the Court Receiver, in reference to the said Interim Application, on behalf of Ashok Bhat. The said notice stated that Dr. Lalita Bhat was still alive and that the order obtained in the interim application was obtained by making a false declaration regarding her death. The notice demanded verification of documents and proceedings from the Office of the Court Receiver.

5. Subsequently, on 7th January 2022, the Advocate representing Ashok Bhat addressed a communication to the Court Receiver and opposed the contents of the earlier letter sent by Advocate Siddiqui. In response, Siddiqui informed that one Advocate Shamim Beig had visited his office along with a woman who was introduced as Smt. Lalita Madhusudan Bhat. He claimed that this woman executed a vakalatnama (power of attorney for legal representation) and also produced documents such as an Aadhaar Card showing address at Solapur, a Ration Card with Solapur address, and a PAN Card in the name of Dr. Lalita Bhat. Photocopies of these documents were forwarded by Advocate Siddiqui to the advocate of Ashok Bhat and also to the Court Receiver.

6. Upon receiving and examining the said documents, the informant and his brother realized that the signature on the vakalatnama was forged. The photograph on the Aadhaar and PAN Cards did not match that of their late mother. Furthermore, the address mentioned in the Ration Card was not known to belong to their mother. The year of birth mentioned in the Aadhaar and PAN Card was stated as 1940, whereas their mother was actually born in 1925. The signature on the PAN Card was also allegedly forged. It is the informant's case that the documents were fabricated to create a false identity and to mislead the Court Receiver into believing that Dr. Lalita Bhat was still alive. Based on these allegations, a complaint came to be lodged which resulted in the registration of the subject FIR.

7. The applicant came to be arrested in connection with the aforesaid offence on 18th April 2023. He had earlier approached the Sessions Court by filing an application for regular bail under Section 439 of the Cr.P.C., which was rejected. Hence, the present application is filed before this Court seeking bail.

8. Learned Advocate appearing for the applicant has submitted that on going through the charge-sheet filed by the prosecution, no specific overt act or individual role has been attributed to the present applicant. It is submitted that although certain persons have been referred to in the charge-sheet as having participated in the preparation of forged documents, not all such persons have been arrayed as accused. According to the learned counsel, the present applicant has been in custody since 18th April 2023 and has already undergone incarceration for more than two years. It is further submitted that considering the nature of allegations, the number of witnesses cited in the charge-sheet, and the stage of the proceedings, it is highly unlikely that the trial would be concluded in the immediate near future. Therefore, it is prayed that the applicant may be enlarged on bail, particularly in view of the guarantee of personal liberty under Article 21 of the Constitution of India.

9. On the other hand, the learned APP has opposed the bail application. He has drawn the attention of the Court to the material available in the charge-sheet. It is contended that the applicant, in conspiracy with other co-accused, has played a direct and active role in fabrication of false identity documents—such as Aadhaar Card and PAN Card—in the name of Dr. Lalita Bhat, who

was already deceased. It is alleged that these forged documents were used to misrepresent before the Court Receiver in Interim Application (L) No. 23376 of 2021, claiming falsely that Dr. Lalita Bhat was alive and that orders were obtained from the Court by suppression and misrepresentation. The learned APP has further pointed out that statements of certain witnesses recorded during investigation indicate that the applicant was instrumental in preparing a bogus Power of Attorney by impersonating a third person, whose name was used to create false ownership and title in respect of the disputed property. The learned APP has also submitted that the offence under Section 467 of the IPC, which pertains to forgery of valuable security or a will, is punishable with imprisonment for life. Moreover, the applicant has previous criminal antecedents and is not a first-time offender. Therefore, in the opinion of the learned APP, releasing the applicant on bail at this stage would not be appropriate, considering the seriousness of the offence and the possibility of tampering with evidence.

10. I have carefully perused the charge-sheet and the statements of the witnesses recorded during investigation. It appears from the statement of one Mohammad Gulam Shaikh, in whose name a Power of Attorney was prepared, that he has stated that the applicant obtained the signature of Dr. Lalita Bhat at the instructions of Advocate Shamim Beig. He further admitted that he was promised a commission of 2% from the value of the deal arising out of the property transaction involving the Khar property belonging to the deceased Dr. Lalita Bhat. He has specifically stated that the signed Power of Attorney was executed at the

behest of the applicant and the said Advocate. Moreover, it is seen from the record that a vakalatnama, purportedly signed by the deceased Dr. Lalita Bhat, was produced before this Court in Interim Application (L) No. 23376 of 2021 in Suit No. 1940 of 2003. Further, the Advocate who filed the said application has stated before the Investigating Officer that even an affidavit was prepared, allegedly bearing the signature of the deceased Dr. Lalita Bhat. The statements of other witnesses also prima facie reveal that the applicant, in active collusion with other co-accused, was involved in creating forged documents such as Power of Attorney, PAN Card, Aadhaar Card and Vakalatnama in the name of the deceased. It is also not in dispute that the applicant has criminal antecedents, which cannot be ignored at this stage.

11. The Supreme Court in the case of *Naveen Singh v. State of Uttar Pradesh*, reported in (2021) 6 SCC 191, has clearly laid down that forgery and manipulation of court records stand on a different and more serious footing as compared to forging of documents between private individuals. In the said case, the Supreme Court was dealing with offences under Sections 420, 467, 468, 471, and 120B of the IPC and observed that if documents are forged and used to mislead the court, such acts directly obstruct the administration of justice. The Apex Court, in those circumstances, set aside the order granting bail passed by the High Court and directed the accused to surrender. The ratio of this judgment is directly applicable to the facts of the present case, where forged documents have allegedly been filed before this Court to misrepresent the status of a deceased person and to

influence the outcome of pending court proceedings.

12. In the present case, it is not just a matter of forging one or two private documents. Apart from the forged Power of Attorney, Aadhaar Card, and PAN Card, a forged vakalatnama was also filed before this Court in a pending proceeding to give an impression that Dr. Lalita Bhat was still alive. Prima facie, the applicant appears to be actively involved, along with other accused, in this serious act of fabricating documents with the intention of misguiding the Court and interfering with the lawful administration of justice. The seriousness and gravity of the offence alleged, the nature of material collected during investigation, and the conduct of the applicant, in my considered opinion, do not justify grant of bail at this stage.

13. As regards the submission that the applicant has been in custody since 18th April 2023, I am of the opinion that such grievance can be adequately addressed by expediting the trial. Hence, the learned Trial Court is directed to make all efforts to conclude the trial, preferably within a period of six months from today, in accordance with law.

14. In view of the above discussion, the bail application stands rejected. There shall be no order as to costs.

15. However, it is clarified that in the event the trial is not completed within the period of six months from today, it shall be open for the applicant to apply for bail afresh, and the same shall be considered on its own merits and in accordance with law.

(AMIT BORKAR, J.)