

Shabnoor

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

ANTICIPATORY BAIL APPLICATION NO. 3475 OF 2024

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

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. Aniket U. Nikam a/w Vishal Kathar i/b Ms. Trupti
A. Bhardi, for the Applicants.

Ms. Anagha A. Deshmukh, APP for the State-
Respondent.

Mr. Sachin Dhakepalkar, for the Intervener.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 14, 2025

PC.:

1. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973. The applicants seek pre-arrest bail in connection with Crime Register No. 625 of 2024 registered at Panvel City Police Station for offences punishable under Sections 420, 465, 466, 467, 468, 469, 470, 471, and 475 read with Section 34 of the Indian Penal Code, 1860.

2. The prosecution case, in brief, is that the father of the informant, Late Namdev Maruti Mhatre, was residing at Sumeet Enclaves, Thane (West). He was the owner of certain ancestral immovable properties bearing Survey Nos. 429A and 1019. These properties originally belonged to his grandfather, Late Maruti Hiru Mhatre @ Urankar. After his death, his five legal heirs were Namdeo, Hiranman, Subhadra, Chandra, and Padmabai. Late Namdev passed away on 22 March 2024 at Thane. His legal heirs are his wife Manda Namdeo Mhatre and six daughters, namely Rohini, Pradnya, Vaishali, Asha, Swapna, and Ayesha (Jyoti). Hiranman Maruti Mhatre, one of the co-heirs, is survived by his wife Lilabai and two sons, Rajendra and Sharad.

3. It is alleged that the ancestral land bearing Survey No. 429A admeasuring about 16,000 square meters at Mauje Panve, Taluka Panvel, District Raigad, was originally held by the grandfather Maruti as a tenant. In the tenancy proceedings, Namdeo was declared owner under Section 32G of the Bombay Tenancy and Agricultural Lands Act. A sale certificate under Section 32M was thereafter issued in his name on 4 March 2011 and was duly registered with the Sub-Registrar.

4. The informant alleges that on 7 June 2023, during the funeral of one Dattaray Kalyankar, she was informed that she had no rights in the said property. Upon inquiry, she found a relinquishment deed dated 4 July 2011 registered at the Sub-Registrar's office, allegedly executed between Rajendra Hiranman Mhatre and Subhadra Talkar. The informant claims that these persons conspired to forge documents, including a false death

certificate of Namdeo, and executed the said deed unlawfully. It is further alleged that the accused persons prepared false heirship certificates. On these allegations, the present FIR was registered.

5. The learned Advocate for the applicants submitted that the FIR is based entirely on the relinquishment deed dated 4 July 2011, by which the informant's aunt released her undivided share in favour of one of the applicants with respect to properties bearing Survey Nos. 429A and 1019. It is the prosecution's case that Namdeo's ownership under Section 32G of the Bombay Tenancy Act confers rights on the informant's family. However, the heirship certificate referred to in the impugned documents, allegedly issued by the Panvel Court, does not in fact exist.

6. The learned Advocate further argued that the rights claimed by the parties are civil in nature and must be adjudicated in civil proceedings. Whether the ownership under Section 32M represents a self-acquisition of Namdeo or joint family property is a question for the Civil Court. The advocate submitted that even if the documents are assumed to exist, they cannot extinguish the lawful rights of the original owner. He contended that the FIR is an attempt to convert a purely civil dispute into a criminal case. It was also pointed out that the applicants have not misused the interim protection granted by this Court on 19 December 2024 and hence deserve bail.

7. The learned Advocate for the informant opposed the application. He submitted that the statements in the relinquishment deed are patently false. The entire claim of the

applicants rests on fabricated documents. The informant's predecessor, Namdeo, was the exclusive owner of the properties. The alleged executors and beneficiaries of the deed have no right, title, or interest in the said properties. The preparation and use of such forged documents constitute serious offences, and custodial interrogation is necessary to uncover the full extent of the conspiracy.

8. The learned APP supported the submissions of the informant and opposed the grant of bail. It was submitted that the allegations involve serious offences of forgery and cheating, supported by documentary evidence. Custodial interrogation of the applicants is required to trace the origin and preparation of the forged documents and to secure further evidence in the case.

9. I have carefully considered the submissions of the learned Advocates for the applicants, the informant, and the learned APP. I have also perused the FIR, the documents referred to therein, and the material placed on record.

10. The dispute arises from ownership and succession rights in ancestral property bearing Survey Nos. 429A and 1019. The documents in question, including the relinquishment deed dated 4 July 2011 and the alleged heirship certificate, relate to title and ownership claims between family members. The nature of allegations and documents indicates that the dispute is essentially civil in nature.

11. The primary issue, whether the property is the self-acquired property of Late Namdeo or forms part of the joint family estate,

cannot be determined in these proceedings. Such determination lies within the exclusive jurisdiction of the Civil Court. The civil nature of the controversy cannot be converted into a criminal proceeding merely because one party alleges forgery or fabrication.

12. The FIR rests mainly on documentary evidence, most of which has already been seized or can be collected from public records. There is nothing on record to show that custodial interrogation is indispensable for investigation. The allegations of forgery, even if taken at face value, pertain to documents registered in 2011. There is a long lapse of time between execution of the documents and registration of the present FIR in 2024. This delay remains unexplained and diminishes the necessity of custodial interrogation.

13. It is also not shown that the applicants have attempted to tamper with evidence or influence witnesses during the period of interim protection granted by this Court since 19 December 2024. The applicants have cooperated with the investigation. The prosecution has not brought any material to suggest misuse of the interim protection.

14. The applicants are permanent residents of Panvel. Their identities and addresses are known to the investigating agency. The possibility of absconding is thus remote. No recovery of any incriminating material is shown to be pending at their instance.

15. The settled legal position is that when the dispute is predominantly of civil nature and documentary evidence is

available, custodial interrogation should not ordinarily be permitted. The power of arrest must be exercised only when necessary for proper investigation.

16. Considering the nature of allegations, the period of alleged occurrence, the documentary nature of the evidence, and the conduct of the applicants, I am of the opinion that custodial interrogation is not warranted. The applicants have made out a case for grant of anticipatory bail.

17. Hence, following order:

- a)** In the event of arrest in connection with Crime Register No. 625 of 2024 registered at Panvel City Police Station for offences punishable under Sections 420, 465, 466, 467, 468, 469, 470, 471, and 475, read with Section 34 of IPC, the applicants be released on bail on furnishing P.R. bond of Rs.15,000/- each, along with one or two sureties in the like amount.
- b)** The applicants shall remain present before the concerned police station as and when called by the investigating officer.
- c)** The applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.
- d)** The applicants shall not obstruct or hamper the police investigation and not to play mischief with the evidence

collected or yet to be collected by the police.

e) The applicants shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

18. The Anticipatory Bail Application stands disposed of in above terms.

(AMIT BORKAR, J.)