

Shabnoor

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

ANTICIPATORY BAIL APPLICATION NO. 1974 OF 2025

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Poonam Sanjay Singh

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Nitin Sejpal a/w Mr. Siddharth Gharat, Kunal Thakkar, Pooja Sejpal, for the Applicant.

Ms. Rajashree V. Newton, APP for the State-Respondent No.1.

Mr. Satyam R. Dubey for respondent No.2.

Mr. Ranjit Jadhav, PSI, Kalamboli Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 17, 2025

PC.:

1. By this application, the applicant seeks the relief of pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, apprehending arrest in connection with Crime Register No. I-311 of 2024 registered with Kalamboli Police Station, for offences punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860.

2. As per the prosecution case, the first informant, Sunita Sanjay Singh, resides in Mulund along with her children. She claims that she is the legally wedded first wife of the deceased Sanjay Singh. The informant states that she came to know in 2014 that her husband was in an extramarital relationship with Poonam

Kapoor. It is alleged that between 22nd March 2021 and October 2023, the present applicant, who is the second wife of the deceased, in conspiracy with other accused namely, Anil Kumar, Anil Nirmal, Adnan Mohammed Yusuf Patel, Riaz Iqbal Diwan, and Dr. Jitendra Karpe, conspired to wrongfully acquire two flats belonging to the deceased Sanjay Singh. The said flats are: (i) Flat No. A-1102, 11th Floor, Neelkanth Heights, Kalamboli, and (ii) Flat No. 2605, 5C Wing, Rose Building, Indiabulls Park, Kongaon, Taluka Panvel.

3. It is further the case of the prosecution that the applicant, in collusion with the co-accused, prepared a false and forged Will of the deceased Sanjay Singh and used the same as genuine before the Sub-Registrar at Panvel, with an intention to fraudulently transfer the above flats in her name. On these allegations, the informant lodged the present complaint.

4. Learned Advocate for the applicant submitted that the complaint filed by the informant rests on two allegations. The first is regarding alleged unauthorized sale of trailers, which was a matter of dispute between the deceased and his brother. The second is the allegation of execution of a forged Will. In respect of the first allegation, learned Advocate pointed out that the mother of the deceased had already filed a complaint, which was challenged before this Court in Criminal Writ Petition (ST) No. 12518 of 2024 and Criminal Writ Petition No. 2408 of 2024, in which this Court has stayed the investigation into that complaint.

5. On the second allegation relating to the Will, it was

submitted that the applicant had already filed probate proceedings on 15th October 2022. The present FIR has been registered much later, on 25th August 2024. Learned Advocate further submitted that several disputes are already pending between the informant and the applicant, both claiming to be wives of the deceased, including proceedings under the Bombay Regulation Act, 1827. He contended that custodial interrogation of the applicant is not required. The question of genuineness and validity of the Will is to be decided in the probate proceedings, which will have binding effect. The applicant has co-operated with the investigation and has assured to continue doing so. He therefore prayed for continuation of the interim protection granted by this Court.

6. Per contra, learned APP and the learned Advocate appearing for the informant opposed the application. They pointed out that the notary has categorically stated that the Will in question was not notarized by him. Further, the handwriting expert's report indicates that the signature of the testator on the alleged Will is not consistent with his admitted signatures.

7. The learned Advocate for the informant further relied upon the proceedings filed by the applicant herself, wherein she has acknowledged the informant as a legal heir of the deceased. It is submitted that the applicant has also indulged in unauthorized sale of trucks, the value of which exceeds Rs. 5 lakhs. For recovery of the said amount and for proper investigation, custodial interrogation of the applicant is necessary. On these grounds, it is prayed that the application be rejected.

8. I have considered the rival submissions advanced by the learned Advocate for the applicant, the learned APP, and the learned Advocate for the informant. I have also gone through the complaint, the documents placed on record, and the investigation papers made available for perusal. The allegations essentially centre around two aspects: first, the alleged unauthorized sale of trailers belonging to the deceased, and second, the alleged execution and use of a forged Will for transfer of immovable property.

9. As far as the first allegation of sale of trailers is concerned, the record indicates that the mother of the deceased had already lodged a complaint in respect of the said transaction. It is further clear that investigation in that complaint is presently stayed by this Court in Criminal Writ Petition (ST) No.12518 of 2024 and Criminal Writ Petition No.2408 of 2024. Once this Court has already applied its mind and granted interim protection in respect of the said complaint, it cannot now be said that custodial interrogation of the applicant is required for the same subject matter.

10. Coming to the second allegation regarding the forged Will, it is an admitted position that the applicant has already filed probate proceedings before the competent Court on 15th October 2022. The genuineness and validity of the Will is, therefore, the subject matter of adjudication before the Probate Court. Section 41 of the Indian Evidence Act provides that the decision of a competent Court in probate proceedings is conclusive proof regarding the validity of the Will. Therefore, the issue of whether the Will is

genuine or forged is already sub judice, and the Probate Court will render a binding finding.

11. The contention of the informant that the Will was not notarized by the concerned Notary, and that the handwriting expert has opined that the signature of the testator differs from his admitted signature, are all matters of evidence. These require appreciation by the Probate Court during the course of trial. At this stage of investigation, these aspects cannot be conclusively determined. Prima facie, they only show existence of a civil dispute between the parties regarding succession to the estate of the deceased.

12. The fact remains that both the informant and the applicant claim to be the wives of the deceased Sanjay Singh. Several litigations are already pending between them. The dispute is largely of a civil nature, involving determination of rights of inheritance, execution of a Will, and ownership of property. The same requires adjudication in appropriate civil and probate proceedings, rather than custodial interrogation.

13. It is a settled principle of law that the extraordinary power of arrest should not be used as a tool to settle personal or civil disputes. The Supreme Court in *Arnesh Kumar v. State of Bihar* (2014) 8 SCC 273 has held that arrest is not mandatory in every case, and that Courts must ensure that personal liberty is not curtailed unless it is strictly necessary for the purposes of investigation.

14. In the present case, the applicant has already co-operated with the investigation. She has remained present whenever called by the Investigating Officer. The offences alleged are not of such a nature where custodial interrogation is indispensable. The documents, including the Will, are already seized by the Investigating Agency. The main dispute concerns proof of the genuineness of the Will, which will ultimately be decided in probate proceedings.

15. Having regard to the above circumstances, I find that no case is made out for custodial interrogation of the applicant. The interim protection granted earlier has not been misused by the applicant. She has given an undertaking to continue co-operating with the investigation. In these circumstances, the application for pre-arrest bail deserves to be allowed, subject to conditions safeguarding the interest of investigation.

16. Hence, following order:

- a)** In the event of arrest in connection with Crime Register No. I-311 of 2024 registered with Kalamboli police station, for offences punishable under Sections 420, 465, 467, 471, 468 r/w 34 of IPC, the applicant be released on bail on furnishing P.R. bond of Rs.25,000/-, along with one or two sureties in the like amount.
- b)** The applicant shall remain present before the concerned police station as and when called by the investigating officer.
- c)** The applicant 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 applicant 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 applicant 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.

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

(AMIT BORKAR, J.)