

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

ANTICIPATORY BAIL APPLICATION NO.2224 OF 2025

Rinkesh Vadilal Shah

...Applicant

VERSUS

State of Maharashtra

...Respondent

....

Sr. Adv. Mr. Girish Kulkarni, a/w Ms. Mrunmai Kulkarni, Mr. Himanshu, Mr. Akash Kavade i/b Ms. Aishwarya Sharma, Advocate for the Applicant.

Mr. V. N. Sagare, A.P.P. for the Respondent – State.

Sr. Adv. Mr. Pranav Badheka, a/w Mr. Aditya Mithe, Mr. Rutvij Solanki, Mr. Sachin Agawane, Mr. Esha Joshi, Mr. Krishna Tawari, Advocate for the Intervener.

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CORAM : N. R. BORKAR, J.
DATE : 16.09.2025.

P.C.:

1. This is an application for Anticipatory Bail.
2. The applicant is apprehending his arrest in Crime No. 463 of 2025 registered at Borivali Police Station, for the offences punishable under Sections 3(5), 316(2), 318(4), 336(2), 338, 340(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The secretary of 'Essbee Geejay Co-operative Housing Society Limited' is the first informant. The prosecution case in brief is that the said society is situated on the part of land bearing old survey no. 108 (part), 109 (part) and 112 (part), Dist. Borivali, Mumbai, total area admeasuring 65,045.3 sq. mtrs. The original owner of the said piece of land was Nanubhai Haridas Bhatt. He along with his 5 legal heirs, namely Mr. Jagdish Nanubhai Bhatt, Mr. Suresh Nanubhai Bhatt, Mr. Girish Nanubhai Bhatt, Ms. Vatsala Shashivadan Joshi and Ms. Malini Ashvin Dave, established M/s. Indian Plumbago Company, a partnership firm in the year 1973. The said firm transferred the entire piece of land in the name of Shamlal Bhajanmal Lutharia, Hindu Undivided Family (HUF) vide Agreement for Sale dated 23.03.1978. Thereafter, Lutharia HUF constructed various buildings on the said land. In the year 1978, flat purchasers established the said housing society and vide Deed of Conveyance dated 05.10.1978, the ownership of the said land was conveyed to the society. Presently, the said land has been divided into new plots bearing CTS Nos. 4/1 to 4/18. The said society, comprising of 3 buildings, is situated on the land bearing CTS No. 4/14, admeasuring 4443.5 sq. mtrs., so also the land situated at CTS No. 4/16, admeasuring 506.2 sq. mtrs. is the recreational playground

belonging to the said society. As such the said society is in possession of the said land for the past 45 years. Currently, the said society is desirous of Redevelopment through M/s. Sitara Builders Pvt. Ltd. The said Builders have discovered that by way of Conveyance Deed dated 16.10.2024, the said recreational playground land has been acquired by M/s. Shah and Sons, a partnership firm of the Applicant and his father (co-accused). It is alleged that the said Conveyance Deed is executed on the basis of a Power of Attorney dated 18.02.2004 executed by the 5 legal heirs of Nanubhai Bhatt in favour of Wadilal Shah (the father of the Applicant). It is alleged that the Applicant and other co-accused have prepared a false and fabricated Power of Attorney and got transferred the society's land bearing CTS No. 4/16, in their names for obtaining financial benefits.

4. I have heard the learned senior counsel for the applicant, learned APP for the respondent-state and learned counsel for the respondent No.2-first informant/intervener.

5. The learned senior counsel for the applicant submits that the land in question was originally owned by Bhatt family. It is submitted that the members of the said family executed the power of

attorney 18.02.2004 in favour of the father of the present applicant. According to the learned senior counsel, on the basis of the said power of attorney, the father of the present applicant on 16.10.2024 has executed deed of conveyance in favour of the present applicant. It is submitted that by no stretch of imagination the said document can be called a false and fabricated document. It is further submitted that there is no need of custodial interrogation and applicant is willing to co-operate with the investigation.

6. On the other hand, the learned APP for the respondent-State and the learned senior counsel for the Intervener-First informant submit that on the basis of false and fabricated power of attorney allegedly executed by 5 legal heirs of Nanubhai Bhatt, the present applicant and his father (co-accused) got executed the conveyance deed dated 16.10.2024 in their favour. It is submitted that out of the said 5 legal heirs, 4 of them, namely Mr. Jagdish Nanubhai Bhatt, Mr. Suresh Nanubhai Bhatt, Mr. Girish Nanubhai Bhatt and Mrs. Vatsala Shashivadan Joshi were not alive when the said conveyance deed dated 16.10.2024 was executed. It is submitted that Mrs. Malini Ashvin Dave, the 5th legal heir who executed the alleged power of attorney is settled in the USA. It is further submitted that in addition to the present crime, the Bombay Municipal Corporation

has also filed an FIR against the present applicant for creating false and fabricated by which he got transferred the land owned by the Bombay Municipal Corporation. It is submitted that considering the nature of crime, the applicant may not be released on anticipatory bail.

7. I have perused the deed of conveyance deed dated 16.10.2024. The power of attorney holder himself is one of the purchasers. Out of 5 legal heirs of Nanubhai Bhatt who allegedly executed power of attorney, 4 legal heirs were not alive on the date of execution of conveyance deed. The conveyance deed does not appears to be bona-fide document. Prima-facie, the intent of the applicant behind creating such document appears to be to commit fraud. The applicant is involved in one more crime of similar nature. In that view of the matter, I am not inclined to release the applicant on anticipatory bail. The Anticipatory Bail Application is rejected.

(N. R. BORKAR, J.)