

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1341 OF 2026

Reema Ajay Bansal,]
Aged 56 years, Occ: Service]
Residing at Bungalow No.A-22]
Zarina Park, Sion Trombay Road,]
Opposite BARC, Mankhurd,]
Mumbai – 400 088] ...Applicant.

Vs.

The State of Maharashtra]
through Govandi Police Station,]
Mumbai.] ...Respondent.

Mr. Girish Kulkarni, Senior Advocate with Mr. Sujay Shingade and Mr. Ganesh Raju Narula i/b Mr. Vidit Divya Kumat, Advocates for the Applicant.

Mr. Ghanshyam Mishra, Advocate for the complainant.

Mr. Prashant. P. Jadhav, APP for the Respondent-State.

CORAM : GAUTAM A. ANKHAD, J.

DATE : 19TH MAY 2026

[VACATION COURT]

P.C. :

1. By the present Application, the Applicant seeks pre-arrest bail in First Information Report (FIR) bearing C.R. No.0222 of 2026 dated 18th April 2026 registered with Govandi Police Station, Mumbai for the

alleged offences punishable under Sections 318(4), 336(2), 338 and 340(2) of the Bharatiya Nyaya Sanhita, 2023 (“BNS”). The Applicant is the sole accused named in the said FIR. The complainant, Mrs. Naresh Narinderpal Aggarwal, is related to the Applicant. The crux of the allegations is that the Applicant forged a Release Deed dated 27th January 2001, pursuant to which the complainant’s share in the subject property is alleged to have been transferred by complainant to the Applicant.

2. The relevant facts, in brief, are as under:

(i) The property forming the subject matter of the FIR is shop no. 209 situated at Shrikant Chambers Co-operative Housing Society, Sion Trombay Road, Chembur, Mumbai. According to the FIR, the said premises were jointly purchased in the year 1994 by the complainant’s husband and his brother, Surinderpal Aggarwal. The Applicant is the daughter-in-law of Surinderpal Aggarwal. Though there appears to be some controversy as to whether it was jointly purchased or not, the same is not of immediate relevance for the purpose of deciding the present Application.

(ii) It appears that *inter se* disputes subsequently arose between the brothers. Suit No.2868 of 2000 came to be

filed before this Court by the complainant's husband against several parties, including the Applicant's father-in-law. In the said suit, the complainant's husband specifically sought a declaratory relief regarding the existence and enforceability of an oral family arrangement. The pleadings in the suit recorded that pursuant to mediation amongst family members, it was agreed that the subject shop no. 209 would fall to the share of the Applicant's father-in-law. The plaint further states that the parties had agreed to implement the family arrangement and that a written record of the settlement terms had also been prepared during mediation. Thus, it was the specific case of the complainant's husband in the civil proceedings that the subject property was agreed to be allotted to the share of the Applicant's father-in-law under the family settlement.

(iii) During the pendency of the aforesaid suit, the Release Deed dated 27th January 2001, which forms the subject matter of the present FIR, was purportedly executed by the complainant in favour of the Applicant. The complainant alleges that the said Release Deed is

forged and fabricated and, in any event, being unregistered, could not have created any rights in favour of the Applicant.

(iv) On 11th February 2014, the share certificate in respect of the subject property came to be transferred in the name of the Applicant by the concerned Co-operative Society on the basis of the aforesaid Release Deed. A few days later, on 15th February 2014, Suit No.2868 of 2000 came to be dismissed for want of prosecution.

(v) Thereafter, on 10th April 2014, the Applicant transferred the subject property to Sajal Realities Private Limited by way of a registered Sale Deed. Subsequently, on 24th January 2020, Sajal Realities Private Limited further transferred the property to Mrs. Sandhya Sanjeev Chipalkatti and Mr. Sanjeev Vasant Chipalkatti by another registered conveyance.

2. Mr. Girish Kulkarni, learned senior counsel for the Applicant, submits that the allegations of forgery are misconceived and that the dispute essentially arises from pre-existing civil and family disputes between the parties. He submits that the complainant's

husband had himself asserted rights flowing from the oral family arrangement in the earlier civil proceedings and had acknowledged that the subject property was to go to the share of the Applicant's father-in-law. The pleadings in the civil suit shows that the Applicant's husband has given up all his claims in the subject property. The Applicant is a 55-year-old lady, who is related to the complainant and has no criminal antecedents. He submits that the Applicant is willing to cooperate with the investigation. It is pointed out that the original Release Deed has already been handed over to the Investigating Officer by the subsequent purchasers and no purpose would be served by custodial interrogation. Mr. Kulkarni contends that the learned Additional Sessions Judge erred in rejecting the Applicant's prayer for anticipatory bail.

3. On the other hand, Mr. Ghanshyam Mishra, learned counsel appearing for the complainant, relies upon the order dated 6th May 2026 passed by the learned Additional Sessions Judge and submits that the allegations of forgery are serious in nature. According to him, the circumstances surrounding the transaction itself indicate fabrication, particularly since the property was

transferred by the Applicant to Sajal Realities Private Limited, in which the Applicant herself holds a 50% shareholding. Mr. Mishra invited my attention to the order dated 11th February 2014 passed by the Stamp Authorities, whereby additional stamp duty and penalty were imposed and wherein it was specifically observed that mere payment of stamp duty would not result in registration of the Release Deed. The Applicant had filed an incorrect Loss Report dated 5th March 2026 alleging that the original Release Deed had been misplaced while shifting her office premises. On the basis of these circumstances, the learned counsel submits that custodial interrogation is necessary and that the present Application deserves to be rejected.

4. Mr. Prashant Jadhav, learned APP appearing for the State, submits that the Applicant has not cooperated with the investigation and that the Investigating Officer was constrained to issue notice under Section 35 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS”). He submits that serious allegations of forgery have been levelled and that custodial interrogation of the Applicant is necessary for a proper investigation.

5. I have perused the record and considered the rival

submissions. The dispute appears to arise out of a family dispute, which had earlier formed the subject matter of civil proceedings before this Court. The pleadings in Suit no. 2868 of 2000 assume significance, inasmuch as the complainant's husband had specifically sought declaration and enforcement of an oral family arrangement under which shop no.209 was agreed to be allotted to the share of the Applicant's father-in-law. In my view, the aforesaid pleadings which constitute judicial admissions cannot be simply brushed aside. Therefore, the contention of Mr. Mishra that the Applicant had absolutely no claim or connection with the subject property cannot be viewed in isolation from the surrounding circumstances reflected in the civil proceedings.

6. It is also relevant to note that consequent upon the Release Deed dated 27th January 2001, subsequent registered transactions have admittedly taken place, including the Sale Deed dated 10th April 2014 in favour of Sajal Realities Private Limited and thereafter the conveyance dated 24th January 2020 in favour of third-party purchasers. However, no proceedings have been initiated in relation to the impugned Release Deed for a considerable period or even the subsequent conveyances. Though

these transactions do not establish the genuineness or legality of the Release Deed, they are also relevant circumstances while considering the necessity of custodial interrogation.

7. The original Release Deed is stated to have already been handed over to the Investigating Officer through the subsequent purchasers. The apprehension of tampering with the document is unfounded. It is settled law as held by the Hon'ble Supreme Court in ***Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694*** that while considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused. The Applicant is a lady aged about 55 years, has no criminal antecedents and has expressed willingness to cooperate with the investigation. Except for the general assertion by the learned APP that custodial interrogation is required, no specific material has been pointed out demonstrating why such interrogation is indispensable for the purposes of investigation. In these circumstances, I am of the view that custodial interrogation of the

Applicant is not warranted. The present Anticipatory Bail Application is allowed on the following terms:

- (a) In the event of arrest of the Applicant in FIR bearing C.R. No.0222 of 2026 dated 18th April 2026 registered with Govandi Police Station, Mumbai, the Applicant shall be released on bail on furnishing P.R. Bond/S.B. Bond in the sum of Rs. 50,000/- with one or two local sureties in the like amount.
- (b) The Applicant shall report to the Investigating Officer of Govandi Police Station, Mumbai on the 1st and 3rd Monday of every month between 11 a.m. to 2 p.m. commencing from 25th May 2026 till filing of the charge-sheet. In the event, the Applicant is required on any other day by the Investigating Officer, the Applicant shall ensure her presence before the said Officer.
- (c) The Applicant shall not directly or indirectly tamper with the evidence nor influence any witnesses or persons concerned with the case.
- (d) The Applicant shall not leave India without

prior permission of the trial Court.

(e) The Applicant shall cooperate with the investigation and also in the proceedings before the trial Court.

8. In the event, the Applicant violates any of the conditions specified in this order, the anticipatory bail granted herein shall be liable to be cancelled. It is clarified that the observations made in this order are limited to the disposal of the present Application and the Trial Court shall proceed in the matter without being influenced by the observations made hereinabove.

[GAUTAM A. ANKHAD, J.]

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