

MHCC050065002022



**IN THE COURT OF SESSIONS AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI
ANTICIPATORY BAIL APPLICATION NO.1948 OF 2022
(C. R. No.444/2022 of Malad Police Station)**

1. Mr. Padmanabhan Ganpat Iyer,]
Age 48 years, Occ. - Business,]
Address : 701, Sunrise Orlem School,]
Sunder Lane, Vlg Valnai, Malad (W), Mumbai]
400 064.]
]
2. Mr. Rekha Padmanabhan Iyer,]
Age 43 years, Occ. - House-wife,]
Address : 701, Sunrise Orlem School,]
Sunder Lane, Vlg Valnai, Malad (W), Mumbai]
400 064.]
] ...Applicants
Versus	
State of Maharashtra,]
(Through Malad Police Station)] ...Respondent

Ld. Adv. Nilesh Gupta for applicant.
APP Usha Jadhav for State.

**CORAM : SHRI M.I. LOKWANI,
Additional Sessions Judge,
Court Room No.10.**

Date : 04th January, 2023

ORAL ORDER

The present application is filed by the applicants under section 438 of the Code of Criminal Procedure 1973 for granting Anticipatory Bail in connection with Crime No.444 of 2022, registered with Malad

Police Station for the offences punishable under Sections 420, 467, 468, 481 r/w.34 of the Indian Penal Code.

Brief facts of the prosecution case are as under :

2. The informant have been living with son Selvaraj age 35 years, younger son Jayaraj. The informant has two childrens work as construction helpers and the informant family's livelihood depends on their income. That the informant was supposed to stay in the room from 2000 to 2010. In 2008, there was a water shortage in our area. At that time, the owner of room, Touraswamy, sent B.C.M. He had taken the voting card from informant saying that he would solve the water problem from C.A. few days later, when informant asked Toraswamy about returning the informant voting card, he said that he had given her voting card to Padramanabhan Iyer to alleviate the water shortage. A few days later, informant meets Touraswamy and went to Padmanabhan Iyer's office but applicant told her to go away. Informant told Chandra lekha that I had not sold any of his rooms. When the informant realized that someone had forged her signature, Padmanaman Ganpat Iyer and Rekha Iyer kept informant voting card with them and after seeing the name on informant voting card, Annadurai Padyachi owned room no.62 Jai Santoshi Chaal Jai Janata Nagar Valanai Vasahat is a sale agreement made on 20 stamp paper showing that informant selling it to them. From the year 2010-2022, applicant no.1 and 2 prepared false sale agreement document by stating that they were selling property no.62 situated at Jai Santoshi Chawl, Jai Janata Nagar, Valanai Vasahat to Smt. Annadurai Padya and thereby applicants have cheated informant. Hence, the informant approached to Malad police station and lodged the report by which

crime no.444/2022 registered against applicants.

3. Advocate of applicant submitted that section 420 is not applicable to the applicants. It is also pointed out that there is a delay of 70 days for lodging of FIR. It is submitted that applicants are innocent and falsely implicated in this crime. He is ready to abide any condition imposed by this court. It is submitted that they have filed application for quashing of FIR before Hon'ble Bombay High Court and in that matter affidavit is filed by the informant. It is submitted that settlement took place between them and informant. Therefore, there is no need of custodial interrogation. Hence, prayed for allow this application.

4. On the other hand Ld. APP has raised strong objection in view of reply at Exh.3 and submitted that applicants are not co-operating in spite of notice issued u/sec.41(a) of Cr.P.C. There is a requirement of investigation. If anticipatory bail is allowed then there is possibility to abscond. Hence, prayed for rejection of application.

5. Considering the submission of both the advocates and gone through record, it appears that applicants are involved in crime no.444/2022 registered by Malad police station for the offences u/sec.420, 467, 468, 481 r/w.34 of the Indian Penal Code. On perusal of record it appears that writ petition no.8530 of 2022 filed by the applicant before Hon'ble Bombay High Court wherein informant Chinnammal Amalanathan Mudhaliyar filed affidavit and raised no objection for quashing FIR no.444/2022 registered by Malad police station. Informant/intervener appears before the court and submitted

that she has no objection to grant anticipatory bail to the applicants. She also submitted that matter is settled between her and applicants outside of the court. Considering the above facts and circumstances, it appears that there is no need of custodial interrogation. Matter is settled in between the parties. Present applicants already handover disputed room with keys to the informant. Therefore, there is nothing remains to recovered from the applicants. Informant has not raised any objection before Hon'ble Bombay High Court for quashing of FIR. Considering above fact there is case made out to grant anticipatory bail in favour of applicants. Hence, I proceed to pass following order.

ORDER

1. Anticipatory Bail Application No.1948/2022 is hereby allowed as under.

2. In the event of arrest of the applicant – **(1)Mr. Padmanabhan Ganpatlyer (2) Mrs. Rekha Padmanabhan Iyer**, be released on bail on executing P.R. Bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with one surety of like sum in connection with Crime No.444/2022 registered with Malad Police Station for the offence punishable under Sections 420, 467, 468, 481 r/w.34 of the Indian Penal Code on following conditions :

- i) They shall attend Malad Police Station on every Sunday between 10.00 am to 01.00 pm till filing of Charge-sheet and shall co-operate the I.O. in investigation.
- ii) They shall not pressurise the complainant and witnesses.
- iii) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade them from disclosing such a fact to the Court or to any police officer.

- iv) They are directed to furnish their local & native address and their contact number to Malad Police Station.
- v) Inform to the Malad Police Station.

3. Anticipatory Bail Application No.1948 of 2022 stands disposed of accordingly. Dictated and pronounced in open Court.

Dt. 04/01/2023

(M.I. LOKWANI)
Additional Sessions Judge,
Borivali Div., Dindoshi, Mumbai

Dictated to steno on : 04/01/2023
Transcribed by steno on : 04/01/2023
Checked & Signed by HHJ on : 05/01/2023

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.” UPLOAD DATE AND TIME 04.01.2023 AT 11:30 P.M. NAME OF STENOGRAPHER R. A. MONDE	
Name of Judge (with Court room no.)	HHJ Shri M.I. Lokwani, City Civil & Sessions Court, Borivali Div., Dindoshi. (C.R.No.10)
Date of Pronouncement of JUDGEMENT/ORDER	04.01.2023
JUDGEMENT/ORDER signed by P.O. on	04.01.2023
JUDGEMENT/ORDER uploaded on	05.01.2023