

MHRG170008812025



IN THE COURT OF ADDITIONAL SESSIONS JUDGE, PANVEL,
RAIGAD AT : PANVEL
ORDER BELOW EXH. 10 IN Session Case No. 66/2025
(Dated 19/11/2025)

The applicant Vishal Anant Mundakar has filed present application for regular bail U/Sec.483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in C.R.No.17/25 registered with Panvel City Police Station for the offences punishable u/s.316(5), 318(4), 335, 336 (1)(2), 337, 338, 339, 341, 178, 179, 183, 45(c), 59, 60, 238, 239, 3(5), 3(6), 3(7) and 3(8) of the Bhartiya Nyay Sanhita,2023.

2] In short the prosecution case is that, on 10/01/2025 the informant Smt. Sanchita Santosh Gharat, Superintendent, Civil Judge Senior Division, Panvel, lodged an FIR wherein it has been alleged that in Civil Misc. Application No. 809/2024 her signature on the instrument accompanying the forged heirship certificate as she asserts that the said signature does not belong to her. The instrument accompanying the forged heirship certificate in Civil Misc. Application No. 809/2024 is identified as being in the name of Alka Naresh Bhoir amounting to Rs. 75,000 dated 04/09/2024 at 06:05:30 p.m. Upon verification of the said

instrument, it was found that the said instrument was not located in GRASS System. The instrument bearing the same number is related to Civil Misc. Application No. 518/2024.

3] Further it is the case of prosecution that Civil Misc. Application No.518/2024 pertains to a matter of heirship and has been filed in the court of the 2nd Addl. Civil Judge Sr. Division Panel. In this case on 01/08/2024, an instrument bearing MTR form no. 6 and GRN No. MH 006581949202425E dated 10/08/2024 was filed in the name of Asha Ashok Gajre with an amount Rs.18,750 and the heirship certificate was duly granted by the Court. Upon verification, this instrument was found in the GRAS system. Furthermore, a search in the GRAS system for Civil Misc. Application No.518/2024 revealed that the party, Asha Ashok Gajre had issued three instrument in total. One of these instruments, originally for the amount of Rs. 1 was altered by replacing the sum of Rs.1 with Rs. 75,000 dated 04/09/2024 at 06:05:30 p.m., and was used to create the forged heirship certificate in Civil Misc. Application No.809/2024. On the basis of an FIR lodged by an informant, an offence came to be registered against an unknown person vide C.R. No. 17/2025.

4] During the course of investigation it was revealed that the present applicant had held a Vakalatnama in Civil Misc. Application No.508/2024 and he had full knowledge of the fabricated challan. It is also revealed that, the applicant deleted a

folder containing data related to the draft of the fabricated heirship certificate from the computer. Thereafter the applicant made an accused in the case on hand. He was arrested on 06/02/2025 and since 18/02/2025 the applicant is in Judicial custody.

5] Heard, learned advocate Shri. V.A. Bhanushali for the applicant and learned A.P.P. Shri. Y.S.Bhopi for the opponent state. Perused application, say filed by opponent state at exh.22 and other documents placed on record.

6] Shri. Bhanushali, the learned Advocate for applicant vehemently argued that the applicant is innocent. He has no nexus with the crime in question. Shri. Bhanushali further argued that in the statement of witness Prasad Gajare there is no whisper about the applicant being actually involved in the crime in question. Likewise, the statement of Krishna Bhoir specifically shows that the entire work was assigned to advocate Rahul Patil. He was held up in Alibag, therefore, he assigned the work to Advocate Sanket Patil. Similarly, the statement of Rahul Gharat nowhere shows that the applicant was any way concerned with regard to crime in question. Shri. Bhanushali argued that the statement of present applicant was recorded u/s.179 of BNSS On 20/01/2025 and he has thoroughly cooperated with an investigating agency. Shri. Bhanushali further argued that the investigating agency has not complied with the provisions of Section 47

of BNSS. Grounds of arrest are not mentioned in column 8 of arrest memo. The investigating officer has arrested the applicant without cogent reasons. Shri. Bhanushali further argued that even assuming for the sake of argument that allegations made against the applicant are true, the charges leveled against applicant fall within the ambit of section 238 of BNS which is bailable in nature. Shri. Bhanushali further argued that applicant did not procure any document. The higher role has been attributed to co-accused Bandivdekar, who is enlarged on bail. Therefore, on the ground of parity the applicant is also entitled to be enlarged on bail. The role of applicant is limited. The investigation is complete and charge-sheet has been submitted in the court. The applicant is an advocate by profession and practicing in the Panvel Court since last 15 years. Since, 06/02/2025 he is languishing in the jail. Considering the aforesaid circumstances his further detention in jail is not required. He is ready to abide by the terms and conditions which may be imposed by the court. Hence, Shri. Bhanushali prayed that the applicant be enlarged on the bail.

7] In order to substantiate his submissions shri Bhanushali placed reliance on following judgments

1] Manish Sisodiya Vs. Directorate of Enforcement, arising out of SLP (Cri) No. 8781/2024. Wherein it has been laid down by Hon'ble Supreme Court that,

“the principle that bail is the rule jail is the exception is only a paraphrasing of Article 21 of

Constitution of India, which states that no person shall be deprived of his life or personal liberty except according to the procedure established by the law. Liberty of the individual is always a rule and deprivation is the exception.”

2] Satendra Kumar Antil Vs. CBI and another, AIR 2022 SC 3386, wherein it has been observed by Hon’ble Supreme Court that,

“prolonged incarceration and inordinate delay engaged the attention of the Court, which considered the correct approach towards bail, with respect to several enactments”

3] Javed Gulam Nabi Shaikh Vs. State of Maharashtra and another, Criminal Appeal No.2787/2024, wherein it has been observed by Hon’ble Supreme Court that,

“over a period of time, the trial courts and the High Courts have forgotten a very well settled law that bail is not to be withheld as a punishment.”

4] P. Chidambaram Vs. Directorate of Enforcement, 2020 AIR (SC) 1699, wherein Hon’ble Supreme Court has laid down that,

“the Tripod test held that as applicant is not a flight risk and released him on bail. There is no possibility of tampering the evidence or influencing/intimidating the witnesses”.

5] Mohammad Ibrahim and ors Vs. State of Bihar and another, 2010 AIR (SCW) 405, wherein Hon’ble Supreme Court has observed that,

a person is said to have made a false document if ;

- (i) *he made or executed documents claiming to be someone else or authorized by someone else; or*
- (ii) *he altered or tampered a document; or*
- (iii) *he obtained a document by practicing deception or from a person not in control of his senses-if what is executed is not a false document then there is no forgery.*

8] As against this, Shri. Bhopi, the learned APP submitted that the offence is serious. The applicant is one of the prime accused. He has actively participated in the crime in question. Shri. Bhopi further submitted that the applicant was well aware about the commission of crime in question. Despite that in order to help co-accused Sanket Patil, who is his closed relative, the applicant misled the investigating agency. Shri. Bhopi further submitted that the applicant deleted the folder in computer which was standing in the name of co-accused Sanket Patil and thereby helped accused Sanket Patil. Shri. Bhopi further submitted that the present applicant by joining hands with co-accused, in order to help co-accused Sanket, changed the CPU of computer which was being used by co-accused Sanket Patil. Shri. Bhopi further submitted that as per disclosure statement given by present applicant, while drawing panchanama in his office, some suspicious documents were found. Out of which when the investigating agency verified the proceedings of Civil Misc. Appln. No.135/2020, it found that the challan in the said matter was

bogus. It also appears that co-accused Pravin Bandivdekar had intimated the present applicant about the misdeed committed by co-accused Sanket Patil. It also appears during investigation that when Civil Misc. Appln. No.17/2024 was pending, the present applicant and co-accused Sanket Patil re-utilized court fee stamps of the said proceedings in another matter by stealing and tampering with the same and on the basis of said forged document they prepared false bogus and forged heirship certificate by putting false signature of the then judicial officer. Considering the aforesaid circumstances and allegations leveled against applicant, he is not entitled to be enlarged on bail. Hence, shri. Bhopi prayed that the application be rejected.

9] I have given thoughtful consideration to the submissions advanced by both the learned advocates. I have also gone through the material placed on record. On appraisal of papers it appears that the present applicant by joining hands with co-accused changed the CPU of computer which was being used by co-accused Sanket Patil and concealed the said CPU on the loft of his office. Furthermore, it also appears that the present applicant deleted the folder of co-accused Sanket Patil from the office computer with intent to help co-accused Sanket Patil. This way present applicant tried to destroy important piece of evidence . It is also pertinent to note that the present applicant was the advocate in Civil Misc. Appln. No.17/2024 and when the said matter was pending in the court, stolen stamps were used

and forged heirship certificate was procured on the basis of said stolen stamps. Such forged heirship certificate can be used in other proceedings, land transactions or revenue records. The material placed on record shows that the present applicant by joining hands with co-accused forged or tampered the court record which raised question on the reliability of the judicial system. A forged court documents not only mislead litigants but also tarnish the sanctity of judicial orders. The material placed on record shows that the applicant has played active role in the commission of crime. Taking into account aforesaid aspects, role attributed to present applicant and the manner in which the crime in question occurred, I am not inclined to grant the relief of bail to present applicant. Considering the facts and circumstances of the case on hand, the law laid down in aforesaid rulings cited (supra) by Ld. Advocate for applicant, will not come to the help of applicant. Resultantly, I pass the following order.

ORDER

1. Application stands rejected.
2. Copy be sent to jail authority by E-mail.

Panvel
Date :- 19/11/2025

(S. R. Ugale)
Additional Sessions Judge,
Panvel.

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the stenographer	:	S.J.Sheth
Name of the Court	:	Additional Sessions Judge, Panvel Raigad
Order signed by the P.O.on	:	06/12/2025
Order uploaded on	:	06/12/2025