

(This order is corrected as per speaking to the minutes of order dated 25.11.2024)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3038 OF 2024**

1. Darshan Ramanlal Bamb		
2. Nishant Manish Agarwal		
3. Manoj Gangadhar Burkule	...	Applicants
vs.		
The State of Maharashtra	...	Respondent

Mr. Abad Ponda, Senior Advocate, i/b. Mr. Raviraj Paramane, Mr. Jaydeep Vaishampayan and Mr. Nitin Shinde for applicants.

Mr. Mayur S. Sonawane, APP for respondent-State.

**CORAM : MANISH PITALE, J.
DATE : 22nd NOVEMBER, 2024**

P.C. :

1. Heard learned senior counsel appearing for the applicants and the learned APP for the respondent-State.

2. The applicants are apprehending arrest in connection with FIR No.0202 of 2024 dated 16.10.2024, registered at Nashik Taluka Police Station, District Nashik Rural for offences under Sections 420, 465, 467, 468 and 471 read with Section 34 of the Indian Penal Code, 1860.

3. The FIR in the present case, is registered against the accused persons, including the applicants, upon allegations levelled by the informant as regards fraudulent transactions undertaken in respect of an immovable property. It is alleged that such false and concocted documents were

prepared to which the applicants were parties, having full knowledge about the extent of forgery in the present case.

4. The learned senior counsel appearing for the applicants, at the outset, invited attention of this Court to an earlier FIR bearing No.0453 of 2024 dated 08.07.2024, registered at the behest of applicant No.1 at Ambad Police Station, District Nashik, wherein the informant in the subject FIR has been arraigned as an accused. It is submitted that similar allegations have been made against the accused persons therein and that the Sessions Court has granted anticipatory bail to the informant herein, by an order dated 19.07.2024 passed in Criminal Bail Application No.1485 of 2024. It is submitted that the subject FIR appears to be a counterblast and an after-thought.

5. It is further submitted that the investigation in the present case, considering the revenue proceedings and other pending civil proceedings, concerns documentary material and therefore, physical custody of the applicants is not necessary. On this basis, it is submitted that the application may be allowed.

6. The learned APP, on the other hand, submitted that the informant has stated in detail as to the manner in which the applicants were party to certain documents, which could be said to be false and concocted. It is submitted that knowledge of such forgery can be attributed to the applicant and therefore, *prima facie* case is made out against the applicants.

7. This Court has considered the rival submissions. The thrust of the allegations in the statement leading to registration of FIR, appears to be

against co-accused Mariambee, who is claimed to be the owner of the immovable property. The documents on record show that the aforesaid accused alongwith her sister, had initiated proceedings before the revenue authorities, in the context of mutation entries, in order to claim that they had clear title. The applicants appear to have entered into transaction with the co-accused person on an understanding that the transaction would be completed upon the said co-accused person and her sister obtaining favourable orders in the revenue proceedings.

8. The allegations in the present case do show that the investigation will necessarily have to proceed on the basis of documentary material and at this stage itself, it would be difficult to reach a conclusion that a strong *prima facie* case is made out against the applicants. Therefore, their physical custody is not necessary for effective investigation.

9. There is substance in the contention raised on behalf of the applicant that the present FIR being registered after 3 months of registration of aforementioned earlier FIR, at the behest of applicant No.1, indicates that the subject FIR can be said to be a counterblast and an after-thought. In any case, the backdrop of civil disputes in the present case, indicates that grievance of individuals that appear to be of civil nature, are sought to be given the colour of criminality as arm-twisting tactics. So long as the applicants are ready to co-operate with the investigation, relief can be granted to the applicants.

10. In view of the above, the application is allowed in the following terms:
(i) In the event the applicants are arrested in connection with FIR No.0202 of 2024 dated 16.10.2024, registered at Nashik Taluka Police Station,

District Nashik Rural, they shall be released on bail on furnishing PR Bond of ₹ 50,000/- (Rupees Fifty Thousand only) each with one or two sureties in the like amount to the satisfaction of the trial Court;

- (ii) the applicants shall remain present before the Investigating Officer on 27.11.2024 and 28.11.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when the Investigating Officer calls upon them to remain present;
- (iii) the applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case;
- (iv) The applicants shall co-operate with the investigation and also in the proceedings before the trial court.

11. In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

12. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

13. The applications stand disposed of.

(MANISH PITALE, J)