



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.360 OF 2025

. Deepak Namdev Gaikwad,
Adult Indian Inhabitant,
Age: 50 Years, Occu.: Moderator,
R/o.: Kodoli, Tal. Panhala,
Dist. Kolhapur .. Applicant

VERSUS

. The State of Maharashtra,
Through the Sr. Police Inspector,
Shrigonda Police Station,
Dist. Ahilyanagar .. Respondent

...
WITH

...
CRIMINAL APPLICATION NO.993 OF 2025

...
Advocate for Applicant: Mr. Ashok Mishra a/w. Ms. Prapti Patil
i/b. M/s. Solicis Lex
APP for Respondent/State: Mr. B. B. Bhise
Advocate for Assist to PP: Mr. Rahul A. Tambe
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CORAM:	ARUN R. PEDNEKER, J.
DATE:	09.05.2025

ORDER:

1. Criminal Application No.993 of 2025 is allowed in
terms of prayer clause "A".

2. Heard learned counsel for the applicant, learned APP for the respondent-State and the learned counsel for assist to public prosecutor.

3. The applicant has approached this Court apprehending arrest in connection with Crime No.0035/2025 registered with Shrigonda Police Station, District Ahilyanagar, for the offences punishable under Sections 406, 417, 420, 465, 467, 468, 471, 423, 120(B) of the Indian Penal Code, 1860.

4. From the record of the case it appears that the President of, Conference of Churches of Christ in Western Indian (CCCWI), Ahilyanagar has lodged a report in the police station stating that it owns land admeasuring 10H. 92R. in Shrigonda. It is stated that the accused applicant in collusion with Tahsildar and Sub-Registrar, Shrigonda transferred the land to the Trust namely Indian Canadian Presbyterian Mission (ICPM) and, thereafter, on behalf of ICPM sold the land to one Mr. Sandipan Kisan Tupare admeasuring 8 Hectore 20 Are for a pittance. The FIR is registered accordingly for illegal transfer of land of the informant.

5. The learned counsel for the applicant submits that there are large number of dispute pending between both the Trusts and the land has been transferred by following proper procedure and that it is further transferred to one Mr. Sandipan Kisan Tupare. He states that on the basis of resolution passed by ICPM, he has become the Chairman of the Trust and has given application to the Tahsildar, Shrigonda for transferring the land of the informant in favour of ICPM. He submits that this being a purely civil matter, the anticipatory bail be granted to the applicant.

6. Per contra, learned APP, so also, learned counsel for assist to public prosecutor submits that in terms of the provisions of the Maharashtra Public Trusts Act that the land of the Trust (CCCWI) registered under the Maharashtra Public Trusts Act cannot be transferred without permission of the Charity Commissioner. That the accused applicant is a moderator of the ICPM and had given application to the Tahsildar for changing the name in the property record of CCCWI under Section 149 of the Maharashtra Land Revenue Code, and the applicant has applied to take his name on record. The Tahsildar has allowed his application without notice to the original owner i.e. (CCCWI), and has not obtained permission

from the Charity Commissioner to transfer the land as required under the provisions of the Maharashtra Public Trusts Act and the applicant has immediately transferred the property to one Sandipan Kisan Tupare. It is stated that the property of CCCWI is transferred for low consideration and without the permission of the Charity Commissioner.

7. Considering the material on record, prima-facie, it is to be seen that the applicant applied for transfer on 12.09.2023, which was allowed on 27.09.2024 and the sale is executed of the property by the applicant to one Mr. Sandipan Kisan Tupare on 08.11.2024. It is also to be seen that the CCCWI is a registered public Trust under the Maharashtra Public Trusts Act and as such the property of the Trust could not have been transferred without permission of the Charity Commissioner as contemplated under Section 36 of the Maharashtra Public Trusts Act.

8. The action of the applicant has caused wrongful loss to the informant and, prima-facie, the action of the applicant shows involvement of the applicant in the offences

charged. As such, no case is made out for grant of anticipatory bail.

9. The Anticipatory Bail Application stands dismissed.

[ARUN R. PEDNEKER, J.]

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