



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

20 ANTICIPATORY BAIL APPLICATION NO. 486 OF 2025

1. YOGESH VINAYKRAO PATIL
2. CHHAYA BHIMRAO WAGH @
CHHAYA YOGESH PATIL
3. REKHA RAVINDRA PATIL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Ankush Nivrutti Nagargoje
APP for Respondent/State: Mr. N. B. Patil

...

WITH

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ANTICIPATORY BAIL APPLICATION NO. 501 OF 2025

1. SUDHAKAR BABURAO PATIL
2. SHASHIKANT BAPURAO DAUD
3. SUBHASH BHAGINATH BARGAL
4. DEEPAK PARBHAKAR PACHPUTE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Vishwamber Digamberrao Gunale
APP for Respondent/State: Mr. N. B. Patil

...

WITH

...

CRIMINAL APPLICATION NO. 1241 OF 2025

IN

ABA/501/2025

APARNA KARBHARI DHATBALE

VERSUS

SUDHAKAR BABURAO PATIL AND OTHERS

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Advocate for Applicant : Mr. Ambar S. Barlota
APP for Respondent/State: Mr. N. B. Patil

Advocate for Respondents No.1 to 4:
Mr. Vishwamber Digamberrao Gunale

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WITH
...

CRIMINAL APPLICATION NO. 1250 OF 2025
IN
ABA/486/2025

APARNA KARBHARI DHATBALE
VERSUS
YOGESH VINAYKRAO PATIL AND OTHERS

...
Advocate for Applicant : Mr. Ambar S. Barlota
APP for Respondent/State: Mr. N. B. Patil
Advocate for Respondents No.1 to 3:
Mr. Ankush Nivrutti Nagargoje
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 07.04.2025

P.C. :

1] Heard learned counsel for the applicants, the learned APP for the respondent-State and the learned counsel for the assist to public prosecutor.

2] Criminal Application No.1241/2025 and Criminal Application No.1250 of 2025 is partly allowed to the extent of assist to public prosecutor.

3] The applicants are apprehending arrest in connection with Crime No.0105/2025, dated 08.03.2025, registered at Cantonment (Chawani) Police Station, District

Chhatrapati Sambhajinagar (City), for the offences punishable under Sections 420, 406, 34 of the Indian Penal Code, 1860.

4] The property from which the present FIR originates was owned by Late Ramchand Aurangabadkar, who had 3 sons and 1 daughter. The 3 sons apparently has sold about 40 Acres of land to 40 different plot owners. The sister claimed succession over the property to the extent of her $\frac{1}{4}$ share and after getting the heirship certificate got her name mutated. The same was challenged by the brothers and also by the subsequent purchasers contending that the sister is not entitled to the share in the property. The FIR in the instant case is filed by the subsequent purchaser of the property from the applicants, who in turn has purchased the property from the sister. There is pending dispute as regards the title over the land admeasuring about 40 Acres. In the mutation proceedings it appears that the present complainant has made an application on 14.09.2017 to the Additional Commissioner seeking certified copy of the proceedings pending between the brothers and sister and other purchasers.

5] It is the contention in the FIR that the original title holder i.e. sister had pending civil disputes as regards her title and the same was not informed to the purchasers, although, the vendors / applicants were aware of the dispute.

6] The complainant has entered into the sale deed with the subsequent purchasers of the property from the sister on 29.09.2017. The complainant has now filed the present FIR contending that the vendors have not mentioned about the pendency of the civil suit initiated in the year 2013 by all the 40 purchasers against the brothers and sister and all the subsequent purchasers from the sister's side. This aspect i.e. pendency of civil suit has not been mentioned to the complainant. The complainant, therefore, was not aware of the defect of title of the present vendors / applicants, who in turn has purchased the property from the sister. As such, the case of cheating is filed.

7] The learned counsel for the applicants submits that the application having been made on 14.09.2017 to the Additional Commissioner for the certified copy of the case pending between the parties (brothers and sister and other purchasers) would clearly indicate that the dispute was clearly known to the present complainant. However, the said fact is not mentioned in the sale deed as the complainant would have difficulty in getting the loan from the banks for purchase of the property. The application was made on 14.09.2017 to the Additional Commissioner is not disputed by the complainant.

8] Considering the submissions, prima facie, this

court is of the view that the complainant was aware of the dispute between the parties and the applicants' predecessors in title i.e. sister and the brothers. The complainant had no other reason to apply for copy of the order of the proceedings before the Additional Commissioner. The challenge to the mutation entry is purely on account of the title / entitlement of the property between the brothers and sister. As such, it appears that the complainant was knowing about the pending dispute between the brothers and sister and the sale deed is made after the application of the complainant to the Additional Commissioner.

9] However, the learned counsel for the complainant submits that, although, it is stated that the complainant is aware of the pending dispute, the complainant is not aware of the suit, which was filed by the original 40 purchasers / vendors against the brothers and sister and the subsequent purchasers. The applicants have suppressed this fact of pending dispute and the applicants have made the complainant to believe that the property has no clout on the title as far as the sister is concerned. Prima facie, mutation, which was recorded in favour of the sister is to the extent of her share is challenged by the brothers and the other purchasers. Therefore, the sister's title over property was under dispute. The sister also does not hold partitioned property. The sister at best could be said to be entitled for 1/4th share in the entire property and without

the partition cannot claim specific share in entire property. Thus, the complainant should be presumed to know that the sister did not have title over the specific part of the property, which is sold in absence of a partition deed. Considering the same, the applicants can be granted anticipatory bail.

10] In view of the above, the applications are allowed in the following terms :

i] In the event the applicants are arrested in connection with Crime No.0105/2025, dated 08.03.2025, registered at Cantonment (Chawani) Police Station, District Chhatrapati Sambhajanagar (City), for the offences punishable under Sections 420, 406, 34 of the Indian Penal Code, 1860, they shall be released on bail on furnishing PR bond of Rs.15,000/- each with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicants shall attend the police station as and when required by the Investigating Officer.

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 applications and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

13] The applications stand disposed of.

[ARUN R. PEDNEKER]
JUDGE

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