



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 1028 OF 2025

Kanhaiya Ishwarlal Yaldi
Versus
The State of Maharashtra & Anr.

Mr. Ambar S. Barlota for the Applicant.
Mrs. M. L. Sangit, APP for the State.

CORAM : ADVAIT M. SETHNA, J.
DATE : 14 JULY 2025

P C.:

1. Heard learned counsel for the parties.
2. The Applicant has filed these proceedings as he apprehends arrest. These proceedings arise out of CR No.0146 of 2025. The FIR is lodged on 4 April 2025 at 20:17 hours by the Cantonment Police Station, Chhatrapati Sambhajanagar. The date of occurrence of the alleged incident as stated in the FIR is from 16 September 2023 to 15 February 2025. The FIR has been registered under Sections 318(4), 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023 ("**BNS**"). The only accused person is the Applicant before this Court. The Informant/Complainant is one Avinash Panditrao Landge, whose mother is the owner of the plot in question.
3. With the assistance of the learned Advocate for the Applicant and learned APP, I have perused the record. A query was put to learned APP

on the last occasion. In this context, it appears that there is an Agreement to Sale which is dated 16 September 2023 between the mother of the Informant and the Applicant. Pursuant to such Agreement, there is an another Agreement which is dated 9 November 2023 between the mother of the Informant and a third person i.e. Javed Yar Khan Mehmood Yar Khan. The present Applicant is an attesting witness to this Agreement. Further thereto, there is a Power of Attorney executed by the mother of the Informant in favour of the said Javed Yar Khan Mehmood Yar Khan in respect of the same plot. Pertinent it is to note that this Power of Attorney is dated 9 November 2023 where the present Applicant is against an attesting witness. Having observed this there is no material brought on record by the prosecution to even *prima facie* indicate that the Applicant has fabricated the said documents, to which he is an attesting witness so as to corroborate the complaint. It is thus difficult to conclude at this juncture that there is active participation of the Applicant in the present crime.

4. The only submission of Mrs. Sangit, learned APP from the case diary would be that cheques of Rs.2 lakhs and 3 lakhs drawn in favour of the mother of the Applicant have bounced. At this juncture as far as the bouncing of the cheques is concerned, there is complete code/mechanism provided under The Negotiable Instruments Act, 1881. This being the position, in my view, the offences alleged against the Applicant in the FIR at this stage may not be attracted. There is no material at this stage to show on

the contrary by the prosecution. Mrs. Sangit would submit that in these facts and circumstances, custodial interrogation of the Applicant is required. However, considering the factual matrix as noted above and considering the documents perused, in the given facts and circumstances, the custodial interrogation is not warranted. A *prima facie* case is made out for the grant of the anticipatory bail. Hence, the following order would meet the ends of justice:-

ORDER

- (i) In the event of arrest of the Applicant in connection with CR No.0146 of 2025 registered with Cantonment Police Station, Chhatrapati Sambhajinagar for the offences punishable under Sections 318(4), 351(2), 351(3) and 352 of the BNS, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.20,000 (Rupees Twenty Thousand Only) with one or more sureties in the like amount.
- (ii) The Applicant shall cooperate with the investigation and shall attend the concerned police station as and when called by the Investigating Officer of the concerned police station, until filing of the charge-sheet.
- (iii) The Applicant shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact

details, the same shall be immediately intimated to the concerned police station.

(iv) The Applicant shall not leave the jurisdiction of the Court without prior permission/order of the Court, until the further orders.

(v) The Applicant shall not influence the witness/es and/or tamper evidence in any manner whatsoever.

5. Needless to mention that the observations made above are *prima facie* for the purposes of adjudicating this Application.

6. The Anticipatory Bail Application is allowed in the above terms.

[ADVAIT M. SETHNA, J.]