



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

ANTICIPATORY BAIL APPLICATION NO.1342 OF 2025

Zakirkhan Mohammadkhan Pathan,
Age: 61 years, Occ: Retd. Circle Officer,
R/o: Patelwadi, Nandurbar,
Tq. & Dist. Nandurbar.

....Applicant

VERSUS

The State of Maharashtra and Anr.

.....Respondents

Appearance :

Miss. Pradhnya Talekar h/f Talekar and Associates, Advocate for the Applicant

Mr. M. K. Goyanka, APP for the Respondents - State

CORAM : NEERAJ P. DHOTE, J.

Reserved on : 15th October, 2025

Pronounced on : 17th October, 2025

FINAL ORDER :

1. Heard the learned Advocate for the Applicant and the learned APP for the Respondents – State. Perused the papers.

2. The Crime No.0395/2025 is registered with the Nandurbar City Police Station, District Nandurbar, for the offences punishable under Sections 329(1), 329(2), 329(3), 329(4), 331(3), 204, 238, 316(5), 318(4), 336(2), 336(3), 340(2) and 319(2) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3, 4, and 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, against the Applicant.

3. The aforesaid report is lodged by the Nayab Tehsildar, Tehsil Office, Nandurbar. It is the case of the Prosecution that, on 25/06/2025, the Applicant, who is a retired Circle Officer, was present in the old government accommodation near the Railway Station Road. Several public documents were also available in the said place. According to the Prosecution, the Applicant impersonated as the public servant, kept the public records in his possession, and misled the public and the government.

4. It is submitted by the learned Advocate for the Applicant that, the documents were not in possession of the Applicant, but were in the government premises. Though the Applicant was available, he was not arrested. The house search of the Applicant is conducted and only two documents were found therein. Pursuant to the notice issued by the Investigating Officer, the Applicant attended and co-operated in the investigation. Nothing is to be investigated, as everything is in possession of the Investigating Machinery and nothing is to be recovered from the Applicant, and therefore, no custodial interrogation is warranted and the Application be allowed.

5. The Application is opposed by the learned APP for the Respondents – State. He submits that, the offence is against the State and requires deep investigation. Out of the said documents, which were seized from the public premises, several documents are found to

be forged. The Applicant though retired, impersonated as the public servant. He needs to be interrogated in respect of the forged documents, which were found. Hence, the Application be rejected.

6. The case of the Prosecution, as seen from the FIR, is that, the Applicant was found in the old government residence, wherein, huge public record was kept and the Applicant impersonated himself to be the public servant. Admittedly, and as seen from the papers, the documents, which were in the said government residence, came to be seized. According to the Prosecution, some of the documents are forged. It is further seen, and on which there is no dispute, is that, pursuant to the notice issued by the Investigating Officer, the Applicant made himself available. As regards the other two (02) Crimes against the Applicant are concerned, in one Crime, the Applicant is protected by the Hon'ble Supreme Court of India in Criminal Appeal No.2556/2023 and in other i.e. Crime No.792/2023, a notice under Section 41-A of the Code of Criminal Procedure was issued to the Applicant.

7. A house search of the Applicant was conducted, from where, fifteen (15) documents came to be seized, including the revenue documents in the name of other persons. The statement of the witness, who was a Talathi, indicate that, the Applicant used to sit in the public office and ask him to make change in the 7/12 extract

of the land belonging to one Babulal Vanjari. During the investigation, it is revealed that, the Applicant told some of the persons that, now the process of converting the land from Class – 2 to Class – 1 had become easy and assured them to do the same for nominal amount of Rs.10,000/- to Rs.20,000/-. The witnesses stated of giving amount as fees towards the same to the Applicant. From the report submitted by the Investigating Officer, it is seen that, the Crime is not restricted to impersonating as the public servant, but is much wider. Considering the nature of offence, the aspects of delay in lodging the report will not come to the aid of the Applicant. Considering the nature of offence and the investigation conducted so far, in my view, this is not a fit case to exercise the powers under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Hence, the following order:

ORDER

. Anticipatory Bail Application is rejected.

[NEERAJ P. DHOTE, J.]

Sameer...