

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.527/2025

SHILADEVI PRABHAKAR CHANDANE ...APPLICANT
VS
STATE OF MAHARASHTRA ...RESPONDENT

**WITH
ANTICIPATORY BAIL APPLICATION NO.528/2025**

PRAJYOT PRABHAKAR CHANDANE ...APPLICANT
VS
STATE OF MAHARASHTRA ...RESPONDENT

**WITH
ANTICIPATORY BAIL APPLICATION NO.886/2025**

NAZMEEN AYYUB SHAIKH ...APPLICANT
VS
STATE OF MAHARASHTRA ...RESPONDENT

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Adv. P. B. Birajdar for the Applicant in ABA/527/2025 & ABA/528/2025
Adv. Harshad Bhadbhade a/w Dileep Satale i/b Shagufta Patel for the
Applicant in ABA/886/2025.

Adv. Avinash A. Naik, APP for the Respondent State in both ABA's.
Ms. Aparna Kurup, Secondary Registrar Class-I, Sangola.

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CORAM : RAJESH S. PATIL, J.

DATED : APRIL 8, 2025

P.C.:

1. This is an application for grant of anticipatory bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita in connection with Crime No. 38/2025 registered with Sangola Police Station for the offences punishable under Sections 420, 467, 468, 471 r/w Section 34

of the Indian Penal Code, 1860.

2. In the present anticipatory bail applications, notice was issued to the first informant who, is the officer of Stamp Office. The present anticipatory bail applications are filed in FIR where the offences arises out of the alleged evasion of stamp duty on a document of sale deed executed in favour of the applicants (Shiladevi Chandane and Prajyot Chandane).

3. The learned counsel for the applicants (Shiladevi Chandane and Prajyot Chandane) submits that the present applicants are ready to co-operate with police. The applicants are the bonafide purchasers, who believed the statement of the vendors and purchase the land which is around 2H 11R for a consideration. The stamp duty was accordingly paid. However, it is the case of the prosecution that on the said land, there was a structure. The said structure is around 291.81 sq.mtrs. Since the applicants have evaded the payment of correct stamp duty on the said document, the FIR was lodged against the said applicants and the vendor, who is arraigned as accused no. 3. The complaint was lodged by the informant being the Sub Registrar of Stamp Office at Sangola, Dist- Solapur. The applicant no. 1 is a senior citizen and there are no antecedents reported against both the applicants. The applicants are in peaceful possession of the said land and it is used for cultivation purpose. However, though the applicants have purchased the land

without the structure standing on it, in order to show their bonafides without admitting the guilt, the applicants are ready to deposit in this Court the amount of stamp duty claimed by the Registrar of Stamps being the payment to be made as deficit stamp duty.

4. Mr. Bhadbhade, learned counsel for the applicant-accused no.3 (Manager of Co-operative Society) submits that the accused no.3 is a lady working for the Co-operative Society. She has no criminal antecedents. She worked on the basis of instructions given by the Co-operative Society and she has not committed any kind of crime in the transaction involving sale of the subject land to the applicants (Shiladevi Chandane and Prajyot Chandane). The first informant officer has proceeded with lodging of the FIR on the basis of complaint being lodged to them by one Mr. Rohit Jadhav. The said Rohit Jadhav was a tenant of structure which was situated on the subject land. There was a notice issued by the Co-operative Society against the said Rohit Jadhav and thereafter, the suit for eviction was filed against the said Rohit Jadhav. Mr. Rohit Jadhav with ulterior motives, filed a complaint with the stamp office and on the basis of his false allegations, the officer of the stamp office filed the FIR without proceeding with recovery of deficit stamp duty. In the suit, being Special Suit No. 808/2023 filed before the CJSD Solapur, the said Rohit Jadhav handed over the possession of the said structure on 27 February 2024 to the Co-

operative Society.

5. He further submitted that in fact, the purchaser of the land (Shiladevi Chandane and Prajyot Chandane) in the month of April 2024 and again on 1 April 2025 address letters to the stamp office, showing their willingness to pay the deficit stamp duty of Rs. 5,17,025/-. The said amount being deficit stamp duty of the structure which not considered while the sale deed of the land was taken into consideration for payment of stamp duty and registration charges. He submits that after the Co-operative Society received the possession of the structure, on 27 February, 2024, they entered into a document dated 24 April 2024 on Chalan of Rs. 100 remitted to state exchequer, to get the structure valued for the purpose of calculation of stamps payable, since they wanted to hand over even the structure to the applicants (Shiladevi Chandane and Prajyot Chandane). Hence, the custody of the applicants is not at all necessary.

6. The learned APP submits that the proceeding under Section 32 of the Stamp Act has been initiated by the Collector. He submits that a fraud has been committed by the applicants-accused persons, on the basis of document dated 11 May, 2023 which shows a rubber stamp of Talathi. It has to be verified and found out who has created the document dated 11 May, 2023 and how did the applicants got hold of this document since the Talathi has denied in his statement to the police

that the said document is not prepared by him. Therefore, the custody of the present applicants would be necessary.

7. I have heard the counsel for both the sides and have considered the documents on record.

8. The FIR arises out of a payment of deficit stamp duty by the applicants (Shiladevi Chandane and Prajyot Chandane). By a registered sale deed dated 16 May 2023, they purchased the land bearing Gat No. 145/3 admeasuring 2H 11R. The entire consideration for the said land was paid to the Co-operative Society who were the owners of the land. The stamp duty to that effect was also paid. However, there was a structure over the said land due to which the stamp duty office, on complaint being received by one Mr. Rohit Jadhav, acted and filed an FIR for non-payment of the deficit stamp duty.

9. Initially, the said Rohit Jadhav was in possession of the said structure claiming himself to be a tenant/occupier of the Co-operative Society. The said Co-operative Society had filed an eviction suit against the Rohit Jadhav. Therefore, in my view, Mr. Rohit Jadhav had reasons to have a vengeance towards the Co-operative Society, as the Co-operative Society sold the land to applicants (Shiladevi Chandane and Prajyot Chandane). Ultimately, the said Rohit Jadhav handed over the possession of the structure to the Co-operative society on 27 February

2024. After the possession being handed over to the Co-operative Society, they desired to hand over the said structure to the applicants (Shiladevi Chandane and Prajyot Chandane) and hence, by a document dated 24 April 2024 on a Chalan of Rs. 100 they desired to value and pay the stamp duty even for the structure.

10. As far as the applicants (Shiladevi Chandane and Prajyot Chandane) are concerned, they on their own in the month of April 2024 and repeatedly again on 1 April 2025 address a letter to the stamp duty office, thereby showing their willingness to pay the deficit stamp duty of Rs.5,17,025/-. The said figure arises since the stamp duty office has calculated the stamp duty for the land along with the structure.

11. While the present anticipatory bail application was argued before me, the Advocate for the applicants on the instructions of his clients (Shiladevi Chandane and Prajyot Chandane) without admitting the guilt and without prejudice to the rights and contentions of the applicants desired to pay a deficit stamp duty. Hence, the applicants (Shiladevi Chandane and Prajyot Chandane) were allowed to deposit the sum of Rs.5,17,025/- in this Court. The said sum of Rs.5,17,025/- has been deposited in this Court According to me, there is enough ground as discussion above, to grant pre-arrest bail. Hence, I pass the following order.

ORDER

(a) **This anticipatory bail application is allowed.**

(b) In the event of arrest in connection with C.R.No.38/2025 registered with Sangola Police Station, the applicants shall be released on bail, on furnishing P.R. bond to the extent of Rs.30,000/- each with one or two sureties each of the like amount.

(c) The applicants (Shiladevi Chandane and Prajyot Chandane) without prejudice to their rights and contentions are permitted to pay deficit stamp duty of Rs.5,17,025/- with the stamp duty office within a period of one weeks from today.

(d) The applicants shall attend and meet the investigating officer of the concerned police station as and when called upon to do so.

(e) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing the facts to the Court or any Police Officer and further, the applicants shall not tamper with the evidence in any manner whatsoever.

(f) The applicants shall furnish the details of their residential address, contact number and email address to the Investigating Officer.

12. For the sake of clarification, it is to be noted that since the

applicants (Shiladevi Chandane and Prajyot Chandane) have already deposited sum of Rs.5,00,000/- in this Court, the interest if any, payable as calculated by the stamp office, the same can be pointed out within a period of two weeks from today to the applicants, and if some amount is payable and the applicants (Shiladevi Chandane and Prajyot Chandane) are ready to pay that amount in order to put to rest the entire issue, they can do so, and the rest of the deposited amount can be withdrawn by the applicants. Only for that purpose the matter to come up under the caption “**for direction**” on **28 April 2025**.

(RAJESH S. PATIL, J.)