IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.1451 of 2025

Ankush Bhiku Deshmukh
Age-59 years, Occu-Service
Residing at Post Medha, Taluka-
Jawali, District-Satara … Applicant

versus

The State of Maharashtra
through Pandharpur Taluka
Police Station, District-Solapur … Respondent

Mr Dilip Shinde, i/b. Mr Mukund Mane, for the applicant.
Mr SS Pednekar, APP, for the respondent/ State.

Coram: R.N. Laddha, J.
Date: 29 July 2025.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.583 of 2024, registered with Pandharpur Taluka Police Station, Solapur, for offences punishable under Sections 420, 467, 468, 465, 406 and 120B read with 34 of the Indian Penal Code.

2. It is the case of the prosecution that in the year 2024, the informant filed a complaint before case in the Court of learned Judicial Magistrate, First Class, Pandharpur, under Section

156(3) CrPC seeking registration of a case against the applicant. Based on the Magistrate's direction, a criminal case was registered. According to the informant, he is a resident of Kameri, had dealings with the applicant and his father, Bhiku Deshmukh, for a property sale in 2015. They agreed to sale agricultural land bearing Gat No.105/2/2 at Kasegaon for Rs.67.23 lakhs, and a sale deed was executed. The informant received documents reflecting his ownership. However, in 2021, he discovered that the said property did not exist. It is alleged that the applicant and others created false documents and fraudulently registered the sale deed, receiving a large sum.

3. The learned Counsel appearing on behalf of the applicant asserts the applicant's innocence and contends that the applicant has been falsely implicated in the present crime. He submits that the applicant has not committed any act that constitutes an offence as alleged. The learned Counsel further submits that the applicant has not received even a single rupee in connection with the purported transaction and is not the beneficiary of the amount in question. According to the applicant, the transaction in dispute was executed solely by his late father when he was approximately 88 years old. The applicant's father subsequently passed away two years later, at the age of 90. At no point did the applicant sign the sale deed,

either as a party to the transaction or in any representative capacity. He argues that the custody of the applicant is wholly unwarranted as all the relevant documents and evidence pertaining to the case are already in possession of the investigating agency.

4. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's plea for pre-arrest bail and contends that the offence is of a grave and serious nature. He submits that the applicant is the son of the co-accused, Bhiku Deshmukh, who passed away during the pendency of the criminal proceedings initiated on the basis of the informant's complaint. He further submits that the applicant played an active role in the disputed transaction by signing the registered sale deed, in which he is explicitly described as a consenting party. In the said document, the applicant affirmed that his father, Bhiku Deshmukh was the rightful owner of the land in question and conveyed his express consent to the transaction. Moreover, the applicant also recorded his no objection to the transfer and inclusion of the informant's name in relation to the said property. The sale deed is a legally registered document that contains both the signature and thumb impression of the applicant, thereby affirming his identity and consent. Additionally, the applicants

photograph is affixed to the document, further verifying his involvement and authenticity in the execution of the deed.

5. This Court has considered the rival contentions and perused the records.

6. It is a settled position in law that granting pre-arrest bail is an extraordinary power. While regular bail is generally considered the norm, the same principle does not apply to anticipatory bail. Considering each case's specific circumstances, the Court must exercise careful and prudent discretion when deciding whether to grant anticipatory bail. A straitjacket formula cannot be applied. Caution is necessary, as granting protection in serious cases could potentially hinder investigation or lead to miscarriage of justice by allowing tampering with evidence. In this context, a profitable reference may be made to the decision of the Hon'ble Supreme Court in *Srikant Upadhyay v. State of Bihar, 2024 SCC OnLine SC 282.*

7. After perusing the records, it appears that a registered sale deed was executed between the informant on one hand, and the applicant along with his father on the other, concerning a parcel of agricultural land. However, it has been brought to light that the said land does not actually exists. Despite this, the applicant and his father are alleged to have accepted a

substantial sum of money from the informant as consideration for the sale. It is further alleged that the applicant, in collusion with the village Talathi, orchestrated the creation of fabricated revenue documents, including a forged 7/12 extract and other related records, pertaining to the non-existent land. Relying on these false documents, a registered sale deed was executed.

8. At this preliminary stage of the investigation, there appears to be sufficient material on record to suggest that the applicant was involved in the preparation of false and fabricated documents, which led to the execution of a sale deed of the land which was not in existence. The acceptance of a significant amount of money by the applicant and his father, despite the non-existence of the land, *prima facie* indicates the applicant's direct involvement in the alleged crime. He appears to have been a primary beneficiary of the transaction. Additionally, it is argued by the learned Counsel for the applicant that the applicant's father who was 88 years old at the time of transaction, lacked the mental and physical capacity to comprehend the nature of the dealings. This argument lends further credence to the allegation that the applicant may have been the principal orchestrator of the fraudulent scheme.

9. Moreover, the investigation is presently in its early stages, and considering the gravity and complexity of the offence,

custodial interrogation of the applicant is deemed necessary to facilitate a thorough inquiry.

10. Considering the foregoing, this Court is not inclined to exercise its discretion in favour of the applicant. As a result, the application stands rejected.

[R.N. Laddha, J.]