

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

ANTICIPATORY BAIL APPLICATION NO. 1852 OF 2024

Pratik Chandrakant Shet And Ors

...Applicants

Versus

The State Of Maharashtra

...Respondent

Adv. Kapil Dave a/w Adv. Akshay Shukla a/w Adv. Anand Tiwari, for the Applicants.

Mr. Shriniwas S. Patwardhan a/w Ms. Shravani Gujar i/by Mr. Sandesh Deshpande, for the Respondent No. 2.

Ms. Tejashri Shinde, API Kashigaon PS.

Ms. Gauri S. Rao, APP for the State.

CORAM : ADVAIT M. SETHNA, J.

DATE : 6 OCTOBER 2025

P.C.:

1. The Applicants have filed this application for pre-arrest bail. The proceedings arise from Crime No. 0034 of 2024. The FIR is lodged by Kashigaon Police Station, Mira Bhayander, Vasai, Virar on 12 April 2024 at 19:46 hours under Sections 420, 464, 465, 468, 471 read with 34 of the Indian Penal Code, 1861 (“IPC” for short).

2. Heard the learned counsel for the parties and with their assistance the Court has perused the record.

3. At the very outset, the parties have drawn the attention of this Court to an order dated 8 July 2024. It recorded that the Applicant shall attend the police station on certain dates and accordingly interim protection which was granted by the Sessions Court was continued in favour of the Applicants, which is in force as on date. Learned APP does not dispute this position. Briefly, the prosecution case in the FIR is that the dispute revolves around one piece and parcel of land bearing Survey

No. 98/3 situated at Ghodbunder road, Thane. According to the prosecution, the Applicants have sought permission to convert agricultural land to non-agricultural. The Applicants in fact succeeded in obtaining such permission in respect of the said land. In this process it is alleged that the Applicants have forged the signature of the *inter alia* of one Mr. Paresh Vohra, who happens to be the former owner of the said plot of land.

4. On hearing Mr. Patwardhan appearing for the Informant/current owner of the property who submitted that, it is only by using such forged document/s and forged signature that the Applicants have been successful in obtaining the permission to convert such land to non-agricultural use.

5. It, therefore, appears that there are proceedings which have been filed before various authorities in this regard. As far as the de-registration of the society of which the Applicants are office bearers are concerned, the issue is pending, by way of an appeal filed before the Supreme Court. He would also submit that the order for deemed conveyance under Section 11 of the MOFA Act has been challenged by the Applicants. Such application was rejected by Deputy Registrar of Cooperative Societies. He would thus submit that considering such serious forgery committed by the Applicants, no indulgence should be shown to the Applicants and the Anticipatory Bail Application should be rejected.

6. Ms. Rao, learned APP on instructions would submit that the Applicants have cooperated with the investigation. She would also submit that various documents, pursuant to the requisition made by the Investigation Officer have been submitted by the Applicants, which is in possession of the Investigation Officer. According to the prosecution, there is nothing on record that would warrant any adverse inference against the Applicants, particularly pursuant to the interim order dated 8 July 2024 passed in these proceedings.

7. Learned APP on instructions submits that the prosecution is also in

the process of filing of charge-sheet, which will, in any event, be filed within a period of six weeks from today. On instructions, learned APP further submits that there are certain further documents which are required by the investigation agency, the details of which will be furnished by the investigating officer to the Applicants.

8. Mr. Dave, learned counsel for the Applicants has drawn the attention of the Court to the document dated 21 October 2020 (Page-56 of the ABA) which is an Application made for permission for non-agricultural use of the said land. He would submit that extract of such document is obtained from the office of the Tahsildar. In other words, these documents has been in custody of the said authority i.e., Tahsildar, Mira Bhayander. He would thus submit that, there is no question of any involvement of the Applicants insofar as any forgery with regard to such documents, particularly when the Tahsildar office has been in possession of the said documents.

9. Considering all of the above, in my *prima facie* opinion, as submitted by the learned APP, the Applicants have cooperated with the investigation, pursuant to the interim protection order of this Court. Further, the Applicants have already furnished several documents in these proceedings to the Investigating Officer as requisitioned by the Investigating Officer. There is no dispute on such factual position. In other words, the Investigating Officer is not only in custody but also in dominion and control of these documents which would have bearing on the ongoing investigation. It is also submitted on instructions that certain further documents are required by the Investigating Officer, which the Applicants have undertaken to furnish, on receiving the details from the Investigating Officer.

10. From the nature of allegations, accusations in the proceedings, it appears that the fulcrum of the prosecution's case is based on the alleged

forgery of the application for non-agricultural use. This is premised on documents, most of which already as noted above are now with the investigating agency. There is also some substance at least *prima facie* at this stage in the submission made by Mr. Dave that the application dated 21 October 2022 (at Page-56 of the ABA) has been obtained from the office of the Tahsildar, which is *custodia legis* of such document/s. Whether the Applicant is involved along with others is a matter of ongoing investigation, and the Court is confident that the investigating authority will thoroughly and holistically investigate all angles in the proceedings related to these allegations.

11. At this stage, the learned APP points out that certain handwriting samples of the Applicants are required for the purpose of investigation. The Applicants have undertaken to cooperate with the investigation in this regard by furnishing the handwriting samples as required.

12. This is a case where there are no aggravating factors to justify detention of the Applicants who have made out a *prima facie* case for grant of anticipatory bail. This is not a fit case to warrant custodial interrogation of the Applicants.

13. In light of the above, in my *prima facie* view, interest of justice would be served by passing the following Order:-

ORDER

- (i) Interim order dated 8th July 2024 stands confirmed.
- (ii) In the event of arrest of the Applicants in connection with CR No.0034 of 2024 registered with Mira Bhayander, Vasai Virar Police Station, for the offences punishable under Sections 420, 464, 465, 468, 471 read with 34, the Applicants are directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000 (Rupees Thirty Thousand Only) with one or more sureties in the like

amount.

(iii) The Applicants shall cooperate with the investigation and shall attend the concerned police station on every second and fourth Saturday at 11.30 a.m until filing of the charge-sheet.

(iv) The Applicants 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.

(v) The Applicants shall not leave the jurisdiction of the Maharashtra without prior permission/order of the Court, until filing of the charge-sheet.

(vi) The Applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the police officer.

(vii) The Applicants shall not tamper with the prosecution evidence and shall not contact or influence the complainant or any witness in any manner whatsoever.

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

15. The Anticipatory Bail Application is **Allowed/Disposed Of** in the above terms.

[ADVAIT M. SETHNA, J.]