

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.448 OF 2025**

Kailash Sadashiv Surve ... Appellant
V/s.
State of Maharashtra & Anr. ... Respondents

**WITH
CRIMINAL APPEAL NO.478 OF 2025**

Pandharinath Vitthal Zendekar ... Appellant
V/s.
The State of Maharashtra & Anr. ... Respondents

**WITH
CRIMINAL APPEAL NO.480 OF 2025**

Datta Gorya Katkari & Ors. ... Appellants
V/s.
State of Maharashtra & Anr. ... Respondents

Mr. Sudeep Pasbola, Senior Advocate a/w Ayush Pasbola, Sankalp Vichare for the Appellant/s in Criminal Appeal Nos.448 of 2025 and 480 of 2025.
Mr. A. K. Upadhyay a/w Dhananjay K. Bhosale, Mr. Rohan Kharat for the Appellant in Criminal Appeal No.478 of 2025.
Ms. S. K. Gajare-Dhumal, APP for Respondent No.1-State.
Mr. Madhavi Rajendra Harischandra for Respondent No.2.
PSI Amol Khade, Uran Police Station and ASI S. B. Gode, Uran Police Station are present.

**CORAM : N.R. BORKAR, J.
DATE : 22ND AUGUST 2025**

P.C. :

1. The Appellants, who are accused in Crime No.18 of 2025 registered at Uran Police Station for the offences punishable under Sections 420, 468, 470, 471 read with 34 of the Indian Penal Code and Section 3(1)(g)

(k) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, have filed these Appeals against the order dated 23rd April 2025 passed by the Additional Sessions Judge, Panvel by which the learned Additional Sessions Judge has rejected the application filed by them for anticipatory bail.

2. The land bearing Survey No.13/3/B admeasuring 0.19.00 guntas and Survey No.13/3/C admeasuring 0.05.00 guntas was originally owned by Laxman Lahanya Katkari. The said Laxman Katkari died on 12th November 1968. After his demise, the name of his wife, Barkubai was mutated in the revenue record. Barkubai died in the year 1981. Thereafter, the name of the mother of the Appellants in Criminal Appeal No.480 of 2025, viz., Suman came to be recorded in the revenue record in respect of the land in question as the adopted daughter of Barkubai. Suman died in the year 2005 and thereafter the names of the Appellants in Criminal Appeal No.480 of 2025 came to be mutated in the revenue record in respect of the land in question in the year 2013.

3. The Appellant in Criminal Appeal No.448 of 2025 purchased the land in question from Appellants in Criminal Appeal No.480 of 2025 by Sale Deed dated 11th October 2024 after obtaining necessary permission

from the Collector under Section 36A of the Maharashtra Land Revenue Code.

4. The first informant Mukta Katkari, claiming to be the Class-II heir of original owner Laxman, has alleged that the mother of the Appellants in Criminal Appeal No.480 of 2025 in connivance with the Appellant in Criminal Appeal No.478 of 2025, who at the relevant time was working as a Talathi, got her name mutated in the revenue record as adopted daughter of Barkubai, though she was never adopted by her.

5. I have heard Learned Counsel for the Appellants, Learned APP for the Respondent-State and Learned Counsel for Respondent No.2.

6. Learned Senior Counsel for the Appellant in Criminal Appeal Nos.448 of 2025 and 480 of 2025 and Learned Counsel for the Appellant in Criminal Appeal No.478 of 2025 submit that there is nothing to show that the first informant is the Class-II heir of the original owner Laxman. It is submitted that for the sake of argument, even if it is assumed that the first informant is Class-II heir of original owner Laxman and Suman was not the adopted daughter of Barkubai, still at the most it will give rise to the civil dispute. It is submitted that the first informant has not taken any

steps to challenge the entry for 44 years and has directly lodged the FIR. It is submitted that the Appellants in Criminal Appeal No.480 of 2025 were minors, when the name of their mother Suman was mutated in the year 1981. It is submitted that Appellant in Criminal Appeal No.448 of 2025 is a bonafide purchaser of the land in question on the basis of the permission granted by the Collector. It is submitted that even otherwise there is no need of custodial interrogation and the dispute, if any, is of a purely civil nature.

7. On the other hand, Learned APP for Respondent No.1-State and Learned Counsel for Respondent No.2 submit that the Appellants are involved in serious crime of forgery and cheating. It is submitted that there is a one more crime of similar nature registered against the Appellants. It is submitted that considering the nature of the crime, the Appellants may not be released on anticipatory bail.

8. The mutation entry by which the name of the mother of Appellants in Criminal Appeal No.480 of 2025 was recorded is of the year 1981. According to the Learned Senior Counsel in the year 1981, the Appellants in Criminal Appeal No.480 of 2025 were minors. Be that as it may, *prima facie* dispute between the parties appears to be of civil nature. There

appears to be no need of custodial interrogation. Considering the overall facts and circumstances, I am inclined to release the Appellants on anticipatory bail, subject to certain conditions. Hence, the following order:-

ORDER

- i. The Appeals are allowed.
 - ii. The impugned order is set aside.
 - iii. In the event of arrest, the Appellants be enlarged on bail on furnishing PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties of the like amount.
 - iv. The Appellants shall attend the concerned Police Station as and when called for by the Investigating Officer and shall co-operate in the investigation.
9. The Appeals are disposed of in the aforesaid terms.

(N.R. BORKAR, J.)