AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1441 OF 2025

Gangadhar Nivrutthi Jadhav @
Vikas Ramchandra Patil … Applicant

V/s.

The State of Maharashtra … Respondent

ATUL GANESH KULKARNI
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Date: 2025.08.12 18:34:43 +0530

Mr. Sushan N. Mhatre for the applicant (appointed as Legal Aid).

Mrs. Shilpa G. Talhar, APP for the respondent-State.

Mr. V.A. Kamdi, PSI, Murbad Police Station, is present.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 12, 2025

P.C.:

1. By the present bail application, filed under Section 439 of the Code of Criminal Procedure, 1973 ("Cr.P.C."), the applicant seeks his release on regular bail in connection with Crime Register No. 43 of 2022 registered with Murbad Police Station, District Thane. The offences alleged against him are punishable under Sections 420, 465, 467, 468, 471, 120-B, and 34 of the Indian Penal Code, 1860 ("IPC").

2. As per the case of the prosecution, one Tushar Nilkanth Maid (arrayed as accused No. 4) intended to purchase an immovable property situated near Mhasa Karjat Road. One Padu Nirguda conveyed this information to one Ravindra Balu Pharad. Ravindra, in turn, contacted his relative, Kanta Jaitu Kante, who informed him that, as per the information given by the Private Secretary of one Ashish Kirtikar, Talathi, there was a parcel of land bearing Survey No. 37/2 at Village Patgaon, Taluka Murbad, available for sale. Ravindra passed on this information to Padu Nirguda, who then informed accused Tushar Maid.

3. For the purposes of negotiation, they were provided with the contact number of one Vipin Deshmukh, who acted as a property agent. A meeting was thereafter arranged, and after negotiations, accused Tushar Maid agreed to purchase the said land at the rate of ₹18,11,000/- per acre, for a total consideration of ₹2,18,00,000/-. An amount of ₹1,11,000/- was paid by cheque to the purported owner of the land, namely Vikas Ramchandra Patil, as earnest money.

4. It is the case of the prosecution that, on 7 December 2021, a sale deed was executed in favour of accused Tushar Maid. One Harishkumar Arora and one Bipin Deshmukh identified the person who claimed to be Vikas Patil as the owner. As part of this transaction, the applicant received a portion of the sale consideration through a bank transfer into his account. Consequently, the name of accused Tushar Maid came to be recorded in the revenue records.

5. However, the real Vikas Patil later came to know of the transaction and realised that the person who had executed the sale deed under his name was in fact an imposter. It is alleged that Harishkumar Arora and Bipin Deshmukh falsely identified the said impostor as Vikas Patil, and thereby, a false and forged sale deed was prepared in favour of accused Tushar Maid.

6. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present matter. At the time of his arrest, the applicant was about 72 years of age and is now around 75 years old. It is submitted that he works as a watchman by profession. Learned counsel points out that other co-accused in the case have already been granted bail. The applicant is stated to have no past criminal record except for a complaint lodged by the purchaser in connection with the same transaction. It is, therefore, submitted that, keeping in view the applicant's advanced age, lack of antecedents, and his right to personal liberty guaranteed under Article 21 of the Constitution of India, he may be released on bail.

7. On the other hand, learned APP has strongly opposed the application, contending that the offence is of a grave nature. It is submitted that the applicant himself received part of the sale consideration by way of bank transfer and that he actively participated in the fraudulent sale of the complainant's property by impersonating the true owner. According to the prosecution, the manner in which the applicant has acted shows clear involvement in the offence, and therefore, his bail application deserves to be rejected.

8. I have considered the submissions advanced by both sides and carefully perused the material placed on record. It is not in dispute that the investigation is complete and the charge-sheet has already been filed. The role attributed to the applicant, as emerging from the charge-sheet, is essentially of having received part of the sale consideration in his bank account. Whether the applicant was directly involved in the preparation of the forged sale deed or had knowledge of the impersonation is a matter to be established during trial on the basis of oral and documentary evidence. At this stage, the Court is not required to undertake a detailed examination of such evidence.

9. The applicant is about 75 years of age and, as per the material placed on record, has no criminal antecedents except for the present matter. It is also an admitted position that the other co-accused in the case have already been released on bail.

10. The trial is likely to take considerable time, and prolonged incarceration at this advanced age would amount to undue hardship, especially when the applicant is not shown to be a flight risk or in a position to tamper with evidence. The apprehension expressed by the prosecution can be adequately addressed by imposing suitable conditions while granting bail.

11. In view of the aforesaid circumstances, and bearing in mind the constitutional mandate under Article 21 guaranteeing personal liberty, I am of the opinion that the applicant has made out a case for grant of bail.

12. Hence, following order is passed:

i) The bail application is allowed;

ii) The applicant is directed to be released on regular bail in connection with Crime Register No.43 of 2022 registered with Murbal Police Station, Thane for offences punishable under Sections 420, 465, 467, 468, 471, 120-B, and 34 of the Indian Penal Code, 1860 ("IPC" for short), upon furnishing cash surety of Rs.25,000/- (Rupees Twenty Five Thousand Only);

iii) Within a period of eight weeks from the date of release of the applicant on regular bail, he shall furnish one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

(a) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness, particularly family members of the deceased.

(b) The applicant shall report to the Murbad Police Station once in three months, specifically on the 1st Monday, between 10:00 a.m. and 12:00 noon, until further orders.

(c) The applicant shall not leave the territorial jurisdiction of the Trial Court without its prior written permission.

(d) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(e) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

(f) In case of any breach of the conditions mentioned above, the prosecution shall be at liberty to move for cancellation of bail.

13. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)