

AGK

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

BAIL APPLICATION NO.2902 OF 2025

Amar Tukaram Misal	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Mr. Kuldeep Patil with Mr. Sanket J. Bhase i/by Ms. Saili Dhuru for the applicant.

Mr. Sagar R. Agarkar, APP for the respondent-State.

Mr. V.E. Bedak, API with Mr. V. Shinde, HC, and Mr. Gode, ASI, Nhava Sheva Police Station, Navi Mumbai, are present.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 22, 2025

P.C.:

1. By this bail application filed under Section 439 of the Code of Criminal Procedure, 1973, the applicant seeks regular bail in connection with Crime Register No. 146 of 2024 registered with Nhavasheva Police Station, District Raigad, for offences punishable under Sections 420, 465, 467, 468, 471, 474, and 120-B of the Indian Penal Code, 1860.

2. As per the prosecution, on 20 September 2024, one Manish C. Joshi, Circle Officer at Jasai, Taluka Uran, District Raigad lodged a complaint. He alleged that the applicant along with co-accused attempted to encroach upon and sell government land situated at Mauje Harishchandra Pimple bearing Survey Nos. 1/17,

1/20, 20/8, 20/9, 3/1, 32/2, 33/3 to 33/8, 40/2, 40/3, 41/1, 44/2, and 51/1, and also land situated at Mauje Vindhane Gat No. 160/3. The said land was recorded in the name of Deputy Custodian of Evacuee Properties. It is alleged that the applicant and co-accused prepared a forged allotment letter in the name of one Gelaram Bhuromal. Said letter was certified with the help of Dilbar Hussain Shaikh. Two persons were introduced into the conspiracy, namely Beni Brayan D'Souza as the first Gelaram Bhuromal and Shyam Manohar Mundra as the second Gelaram Bhuromal. Forged documents were created in their names with the help of other co-accused. Mutation entries of the land were effected in the name of the first Gelaram Bhuromal, after which the property was sold to various purchasers, generating an amount of Rs. 7,44,00,000/-.

3. It is further the case of the prosecution that the Virar-Alibaug Corridor project passes through the said land. The second Gelaram thereafter made an application before the Deputy Collector, Land Acquisition, Raigad, pointing out that the earlier mutation entries were in the name of a fake Gelaram Bhuromal, and compensation should not be paid to him. The Deputy Collector referred the matter to the Deputy Commissioner of Police for inquiry. Upon inquiry, it was found that both the first and second Gelaram Bhuromal were impersonators. Based on these findings, the present FIR came to be registered.

4. Learned Advocate for the applicant submitted that the applicant was arrested on 28 May 2022. The charge-sheet has been filed on 5 June 2025 after completion of investigation. The

allegation against the applicant, according to the prosecution, is that he permitted use of his farmhouse for preparation of forged documents and made payments to accused Nos. 1 and 5 for that purpose. Certain amounts were deposited by the applicant in the bank accounts of accused Nos. 1 and 5. Apart from this, a cash payment of Rs. 15 lakh is also alleged.

5. Learned Advocate further submitted that the principal beneficiary of the forged allotment letter was accused No. 2, who, on the basis of the alleged forged allotment letter of October 2020, applied before the Revenue Authorities to get his name entered in the record of rights. The concerned Tehsildar, acting upon the forged letter, entered the name of accused No. 2. It is accused No. 2 who subsequently sold part of the land to different purchasers, and the remaining land was acquired by the Land Acquisition Officer. On 18 December 2023, the second Gelaram surfaced with another forged document, which led to initiation of the present prosecution. He submitted that no material is available to connect the applicant with accused No. 2, who is the main beneficiary. The alleged payments made by the applicant to accused Nos. 1 and 5 were spread over two years, mostly being small transactions, except two entries of Rs. 5,50,000/- and Rs. 1,50,000/-. In the absence of prima facie material linking the applicant with accused No. 2, it was urged that the applicant deserves to be released on bail.

6. Learned APP, on the other hand, opposed the application. He submitted that the material collected shows that the applicant paid substantial amounts to accused Nos. 1 and 5 for preparation of

forged documents. The applicant facilitated the offence by permitting use of his farmhouse and by making monetary contributions. Further, cash payments of Rs. 15 lakh were made to the applicant by the accused. According to the prosecution, this material is sufficient to make out a prima facie case against the applicant. He therefore prayed that the application for bail be rejected.

7. I have heard learned counsel for the parties. I have considered the record. I have also read the charge-sheet.

8. Courts consider several factors while deciding regular bail in non-bailable offences. These include the nature and gravity of the offence. They include the role attributed to the accused. They include the strength of the prosecution case at the prima facie stage. They include the risk of the accused fleeing. They include the risk of tampering with evidence or influencing witnesses. They include the length of pre-trial custody. These principles guide this court.

9. The case involves alleged forgery, false mutation entries and sale of government land. The allegations are serious. They merit careful scrutiny. Seriousness alone does not bar bail. The prosecution must show a prima facie case against the applicant.

10. The prosecution's case, as set out in the charge-sheet, is that the applicant allowed his farmhouse to be used for preparation of forged documents and made payments to accused Nos.1 and 5. The main beneficiary, according to the prosecution, is accused No.2 who secured entry in the revenue records and sold parts of

the land. The charge-sheet does not show that the applicant made mutation entries. It does not show that the applicant dealt with revenue officers to get accused No.2's name entered in the record. It does not show that the applicant took part in the subsequent sales.

11. The bank entries relied upon by the prosecution are spread over a period of more than two years. Most entries are small. Two entries are larger. The prosecution has placed on record an allegation of a cash payment of Rs.15 lakh. The charge-sheet does not, however, contain material that directly connects the applicant with the fabrication of the allotment letter or with the sales carried out by accused No.2. Mere payments, without contemporaneous records or corroborative evidence of a common design with accused No.2, do not establish the applicant's active role in the core fraud. On the present record the case against the applicant appears weak at the prima facie stage.

12. From the material collected, it is clear that accused No.2 is the main beneficiary of the alleged conspiracy. It was accused No.2 who, on the strength of the forged allotment letter, got his name mutated in the revenue record and thereafter sold parts of the land. The record also shows that the subsequent prosecution itself was triggered when another person posed as Gelaram, which led to the Deputy Collector's inquiry. The applicant is not alleged to have dealt with the revenue authorities or sold any part of the land.

13. The applicant was arrested on 28 May 2022. The charge-sheet was filed on 5 June 2025. The record shows prolonged pre-trial custody. Long custody without clear investigation needs militates in favour of bail. The right to personal liberty and the right to speedy trial require that custody should not continue where the prima facie case is lacking.

14. The prosecution says the farmhouse was used to prepare forged documents. That allegation, if sustained, may raise concern of tampering. The prosecution has not shown any instance of tampering by the applicant after arrest. There is no material of prior criminal record or attempt to abscond. The applicant is a local resident. The risk of flight appears low.

15. The court must balance the community interest against individual liberty. The charges are grave. The applicant's liberty interests are also weighty. When the prosecution's case is weak on the core allegations and when the accused has been in long custody, the balance favours interim release with adequate safeguards.

16. Grant of bail must not obstruct the investigation. It must not threaten possible evidence or witnesses. The following conditions are necessary and proportionate.

17. 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.146 of 2024 registered

with Nhavasheva Police Station, District Raigad, for offences punishable under Sections 420, 465, 467, 468, 471, 474, and 120-B of the IPC, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with 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 Nhavasheva Police Station on first Monday of once in three months, between 10:00 a.m. and 12:00 noon, until further orders.
- (c) The applicant shall not leave the State of Maharashtra without prior written permission of the Trial Court.
- (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.

18. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)