

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

Criminal Bail Application No.3820 of 2025

Ajit Tulshiram Bhandari

Aged 45 years, Occ:- Advocate

Residing at House No. 176, Boradpada

Road, Mulgaon Village, Ambernath

District, Thane-421503

(At Present Taloja Central Prison)

... Applicant

versus

The State of Maharashtra

Through Public Prosecutor, High Court

Mumbai.

... Respondent

Mr Niranjan Mundargi, a/w Ms Keral Mehta i/b Mr Namdeo Gore, for the applicant.

Mr S V Walve, APP, for the respondent/ State.

HC/2144 VV Shinde (Khandeshwar Police Station), a/w HC/1783 SD Mumbaikar, Nhava Sheva Police Station, Navi Mumbai, is present.

Coram: R.N. Laddha, J.

Date: 11 December 2025.

P.C.:

By this application, the applicant (accused No.8) seeks bail in connection with CR No.146 of 2024, registered at Nhava Sheva Police Station, Navi Mumbai, Raigad, for offences punishable under Sections 420, 465, 467, 468, 471, 474 and 120B of the Indian Penal Code.

2. It is the case of the prosecution that the various pieces and parcels of land bearing Survey Nos.1/17, 2/19, 1/20, 3/1, 20/8, 33/3, 33/4, 33/5, 33/6, 33/7, 33/8, 40/2, 40/3, 40/1, 44/2, 51/1 and 20/9, situated at Village Mauje Harichandra Pimpale, and Survey No.16/3, located at Village Vidhane, Taluka Uran, District Raigad, were at all material times recorded and registered in the name of the Deputy Custodian of Evacuee Property, a statutory authority. It is further contended that a portion of the aforesaid lands was subsequently notified for and acquired by the State for the Virar–Alibaug Corridor Project, thereby bringing the said properties within the ambit of land acquisition proceedings.

3. The prosecution further alleges that, on or about 9 October 2020, one Gelaram Bhuromal applied to the Tahsildar, Uran, seeking mutation of his name in the 7/12 extract in respect of the said lands, by falsely representing that the lands had been lawfully allotted to him by the State of Maharashtra under an alleged allotment letter dated 25 April 1985. Acting upon such misrepresentation, the revenue authorities effected mutation in his favour, resulting in the entry of his name in the property records under Mutation Entry No.1555. During the pendency of the land acquisition proceedings, another individual, also identifying himself as Gelaram Bhuromal,

approached the Deputy Collector (Land Acquisition), Raigad, asserting that Gelaram Bhuromal whose name appeared in the 7/12 extract was a fictitious and non-existent person, and thereby laid a rival claim over the said properties. Consequently, two impostors came forward asserting mutually contradictory claims of ownership and entitlement over the same lands. Upon inquiry, it was revealed that the first Gelaram Bhuromal had, on the strength of the forged allotment letter, alienated portions of the said lands by executing sale transactions in favour of various purchasers, including Haresh Hemani and Hardik Katariya, for a consideration of Rs.1,36,63,700/-.

4. It is further the case of the prosecution that, in the course of investigation into the present offence, it transpired that the accused persons, acting in concert and in furtherance of a common criminal conspiracy, had fabricated and forged the purported allotment letter dated 25 April 1985 and other allied documents, with the deliberate intent to unlawfully transfer the said lands and to dishonestly receive the proceeds thereof. The investigation further disclosed that the present applicant, along with the co-accused, aided the main accused, Santosh Marade, in the preparation, creation, and use of the forged allotment letter, facilitating the commission of the alleged offences.

5. Mr Niranjan Mundargi, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. He submits that the applicant was not named in the FIR and arrayed as an accused solely based on a solitary statement provided by co-accused Santosh Marade during the investigation. It is pointed out that the applicant derived no benefit from the alleged transactions, and a sum of about Rs.3,00,000/- credited to the bank account of the applicant's wife constituted legitimate remuneration for professional services duly rendered. Apart from the uncorroborated statement, it is argued that there is no independent material connecting the applicant to the alleged crime. Furthermore, there are material inconsistencies in the prosecution's version of events, and the applicant is made a scapegoat.

6. Mr Mundargi further submits that the co-accused, Shaikh Dilber, Santosh Pandey, and Amar Misal, have already been released on bail, and the applicant is entitled to claim the benefit of parity. The applicant has no criminal antecedents and has been languishing in jail since 8 May 2025, with no substantial progress in the trial proceedings. The applicant is willing to comply with any conditions this Court deems fit to impose.

7. On the other hand, Mr SV Walve, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for bail. He submits that the applicant actively participated in the crime by assisting the co-accused in preparing the forged documents. The applicant received funds in his wife's bank account from an account operated by the co-accused. The offence is of a grave and serious nature. The learned APP expresses apprehension about granting bail, as the applicant may tamper with evidence or influence witnesses.

8. This Court has given anxious consideration to the rival submissions canvassed across the Bar.

9. Upon a careful perusal of the records, it is evident that the name of the applicant did not figure in the FIR at the time of its registration, and his alleged involvement has been sought to be established solely on the basis of an oral statement attributed to the co-accused, Santosh Marane, purportedly made during the course of investigation. Significantly, the prosecution has not recorded the statement of the said co-accused, nor has any incriminating material been recovered from the applicant or at his instance. Save and except for a bald allegation, there is no cogent, independent, or substantive material available on record to *prima facie* suggest the applicant's involvement in the alleged offence. It is also pertinent to note that the co-accused

have already been enlarged on bail. The investigation has concluded, and a charge sheet has already been filed. The applicant has been languishing in jail since 8 May 2025, and the charges are yet to be framed. The prosecution proposes to examine as many as 74 witnesses. Furthermore, it is not in dispute that the applicant has no criminal antecedents. The apprehensions expressed by the prosecution regarding the possibility of tampering with evidence and influencing witnesses can be adequately safeguarded by the imposition of appropriate conditions.

10. Having regard to the totality of the circumstances, this Court is inclined to grant bail to the applicant. Hence, the following order:

ORDER

- (i) The applicant shall be released on bail in CR No.146 of 2024, registered at Nhava Sheva Police Station, Navi Mumbai, Raigad, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

(iii) The applicant shall regularly attend and cooperate with the trial Court for the expeditious disposal of the case.

11. The application stands disposed of accordingly.

(R.N. Laddha, J.)