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

ANTICIPATORY BAIL APPLICATION NO. 102/2025

PAVAN CHANDRAKANT PAWAR AND ANR ..APPLICANTS

VS

STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

Senior Advocate Aabad Ponda a/w. Adv. Sandeep Shinde i/b. Adv. Chetan Deshmukh for the applicants.

Mr. Amit A. Palkar, APP for the State.

Adv. Iraa Dube Patil a/w. Adv. Ramesh Dube Patil, Adv. Ashish Gabhale i/b. Jay & Co. for respondent no.2.

API Ankolikar Sunil Jagannath, Indiranagar Police Station, Nashik City.

CORAM : RAJESH S. PATIL, J.

Date on which the arguments were heard : FEBRUARY 13, 2025.

Date on which the order is pronounced : FEBRUARY 17, 2025.

ORDER :

1. This application is filed for seeking pre-arrest bail under Section 482 of the Bharatiya Nagarik Surksha Sanhita, 2023 in connection with the First Information Report (FIR) No. 440/2024 registered with the Indranagar Police Station, District Nashik City, for the offence punishable under Sections 308(2), 318(4), 324(4), 329(3), 336(3), 338, 340(2), 351(2), 351(3), 352, 61(2) of the Bharatiya Nyaya Sanhita, 2023.

2. The applicants are arraigned as accused nos. 6 and 7. In the

statement of the Informant to the FIR the accused have been referred as “land Mafias”. On 6/2/2024, all the accused including the present applicants came to the subject land of the informant, and they demolished the compound wall at the south side thereby causing loss to the informant and with force they brought in an old container and left it on the subject land. So also, they have deputed goons illegally on the subject land. As the informant enquired the accused, along with 10 to 15 goons threatened the informant to leave the subject land otherwise they will be kill them. Being afraid with the threats, the informant and her husband, who is suffering from various ailments left from the spot.

3. On the next date, when the informant again arrived at the subject land, they enquired with the watchman, when they realized that the goons illegally and unauthorized are trying to take possession of the subject land. While the informant was discussing with their watchman suddenly few of the accused with the goons arrived and they started using foul language, and pushed the informant and her husband. Since the informant being a woman and her husband who is physically weak, they could not do anything. The said goons threatened the informant and her husband that they should not again enter the subject land since they will be dealing

with the applicant no.1 and other accused. They further threatened that in case the applicants want to settle the issue, they should pay a sum of Rs.5 crores to the accused otherwise they will have to face the consequences, as the accused are the local people and there is nobody to support the informant. They further threatened that they were associates of the applicant no.1 (Pavan Pawar), and they will eliminate the informant and her husband. Being afraid of the threats given by the accused, the informant and her husband left the subject land. As the informant's husband is not keeping well, the informant did not dare again to visit the subject land. Thereafter, on 14/8/2024, the informant lodged the FIR. However, immediately thereafter, because of the terror of the accused persons, the informant could not take further steps.

4. The learned Senior Advocate appearing on behalf of the applicants submitted that the present applicants are not concerned with the subject land and this is a foisted liability on them. He further submitted that just because there are 15 antecedents reported against the applicants that do not mean that the present FIR where only the names of the applicants are arraigned, their anticipatory bail application should be rejected. The applicants are political leaders, therefore, due to the rivalry their names has been arraigned in the

FIR. In the FIR no specific role of the present applicants has been mentioned. It is only alleged in the FIR that on two dates the present applicants had been to the subject land. The statements of the informant and the watchman do not really make out a case against the present applicants. The applicants are ready to co-operate with the investigating officer and their custody is not at all required. As the learned Single Judge of this Court has already granted interim protection to the other co-accused from the same FIR, the present applicants need to be protected.

5. The learned APP appearing for the State submitted that there are atleast 15 antecedents reported against the present applicants. Chumbale's case is different than the present case. As Chumbale's land is at a very different place than that of the subject land. The brother-in-law of the informant with the help of the accused executed three fraudulent documents. The applicants are known anti-social elements in the said locality. The submission on behalf of the applicants that the antecedents does not matter is completely wrong since Section 438(1)(ii) in clear terms stated that while granting an anticipatory bail, the antecedents have to be looked into. The order of the learned Single Judge in Chumbale's land case is completely different than the present proceedings. The investigation is still in

progress. Hence, the custody of the present applicants would be necessary as the life of the informant and her husband is at risk if the present applicants are released on pre-arrest bail.

6. The learned counsel appearing for the respondent no.2/informant submitted that the applicants are known land mafias. There are atleast 15 antecedents reported against them. She referred to the judgment of the Supreme Court in case of *Pratibha Manchanda and another vs. State of Haryana and another*¹ and more particularly on paragraph nos. 27, 29 and 32. She submitted that the subject land is admeasuring 5 Acres and worth of the subject land is Rs.100 crores. She submitted that there is a serious threats to the life of the informant and her husband. She submitted that the husband of the informant is not keeping well due to kidney issues and heart ailments. Taking advantage of the situation the brother-in-law of the informant who had only 10% share in the subject land executed three fraudulent documents to cause loss to the informant and her husband. Therefore, she submitted that this Court should not grant any kind of protection to the applicants who have a criminal background. If the applicants are released on pre-arrest bail, there will be a threat to the life of the informant and her husband.

¹ (2023) 8 SCC 181

7. Heard learned Senior Advocate appearing for the applicants, learned APP for the State and learned counsel appearing for respondent no.2. So also, I have gone through the FIR, the documents on record and the orders passed by the learned Single Judge of this Court. According to the informant, the subject land is admeasuring around 21122 square meter situated next to Hotel Sai Palace, Rane Nagar, Nashik and the worth of the land is around Rs.100 crores. In the FIR, the informant has particularly stated the names of the accused including the present applicants being land Mafias, who with goons are known for grabbing lands of common people and there are various criminal cases pending against them. From the statements of the informant it can be *prima facie* construed that the accused/present applicants with other co-accused unlawfully entered into the subject land and caused damage to the compound wall. The present applicants and the other accused with common intention deputed goons on the subject land and intimidated informant and her sick husband, compelling to vacate under the threat of dire consequences. The allegations against the applicants disclosed a deliberate attempt to dispossess the informant through unlawful means.

8. The learned APP has given a list of antecedents of 15 cases

reported against present applicants, which included cases filed for the offence punishable under Section 302 of the Indian Penal Code (IPC), three cases under Section 324 of the IPC and one case under the Maharashtra Control of Organised Crime Act, 1999.

9. As regards the applicants referring to the interim protection granted to the other accused, in all the three orders passed by the learned Single Judge of this Court, it has been specifically noted that the said accused persons had no antecedents.

10. The statements of the watchman of the subject land and that of a friend of the informant have been recorded. The said statements are supporting statements of the informant which is part of the FIR. In the present proceeding, the learned Single Judge of this Court on 21/1/2025 refused to grant any interim protection to the present applicants.

11. The Supreme Court in the judgment of *Pratibha Manchanda* (supra) has held that the land mafias organizing criminal network and execute/implement scams exploiting vulnerable individuals and resort to threats to force them to vacate their properties. Paragraph 29 of the said judgment reads as under:-

29. Land scams in India have been a persistent issue, involving fraudulent practices and illegal activities related to land

acquisition, ownership, and transactions. Scammers often create fake land titles, forge sale deeds, or manipulate land records to show false ownership or an encumbrance-free status. Organised criminal networks often plan and execute these intricate scams, exploiting vulnerable individuals and communities, and resorting to intimidation or threats to force them to vacate their properties. These land scams not only result in financial losses for individuals and investors but also disrupt development projects, erode public trust, and hinder socio-economic progress.

12. Though the learned Single Judge of this Court by his orders dated 14/1/2025, 15/1/2025 and 16/1/2025 granted interim protection to the co-accused who had no antecedents, however, the same Judge in the present proceedings refused to grant any interim relief to the present applicants who have criminal antecedents.

13. Given the gravity of the offence and potential threats given to the informant being a lady with her husband having vulnerable health conditions, I am therefore of the view that there is no merit in the present anticipatory bail application. **The anticipatory bail application stands rejected** and disposed of accordingly.

(RAJESH S. PATIL, J.)