IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 666 OF 2025

SAMEER DASHRATH BHANDARI ...APPLICANT
VS
STATE OF MAHARASHTRA ...RESPONDENT

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Adv. Ashok Janrao for the Applicant.
Adv. Nitin B. Patil, APP for the State.

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CORAM : RAJESH S. PATIL, J.

DATED : MARCH 7, 2025

P.C.:

1. This application is filed under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with the First Information Report (FIR) No.59/2023 registered with the Neral Police Station, District Raigad, for the offence punishable under Sections 420, 467, 468, 471 read with 34 of the Indian Penal Code.

2. It is the case of the prosecution that the informant Mohd.Shaikh is resident of Pune. The informant's mother Zubeda owned non-agricultural property at S. No.484, Plot No.1 to 4, which was purchased on 21/12/2000. In the year 2014, the mother of the informant passed away, so he applied for copy of 7/12 extract of the said property. At that time he learned that the said property is standing in the name of the accused Mohan Patil and the present Samir Bhandari, who is the co-purchaser. Thereafter, the informant made inquiry at Sub-Registrar office, Karjat which revealed that on 30/10/2019, a unknown lady was presented before Sub-Registrar as the mother of the informant and a sale deed was executed in favour of the accused Nos.2 and the present applicant. On this report, an FIR was registered.

3. The learned counsel for the applicant submits that the informant had discovered the alleged commission of the crime in the year 2019 but he filed the present FIR in the year 2023. There is a gross delay of 4 years in registering the FIR. He further submitted that there is no sufficient explanation given for such delay. It is submitted that the applicant had purchased the property from Zubeda Shaikh and he is *bonafide* purchaser. He did not cheat the informant nor committed forgery. The applicant is businessman dealing in real estate business. Additionally, the applicant contends that he is the victim of impersonation by accused no.1 who herself impersonated as mother of the informant and tendered a fake Aadhar card before the Sub-Registrar office. The learned counsel for the applicant submits that the applicant is an innocent co-purchaser and victim of the said crime. He further submitted that the informant has filed the suit for cancellation of the sale deed in the year 2021. He further submits that entire charge-sheet lacks the evidence purporting the forgery committed by the present applicant. During the course of investigation, the police authorities have already seized the original sale deed from the son of the accused no.2 –

Mohan Patil. Hence, no further recovery is warranted from the present applicant since the offences alleged are the forgery of the document, such document being the original sale deed is already recovered by the police. No purpose will be served by arresting the present applicant, hence, the custodial interrogation of the present applicant is not necessary. The applicant is ready to abide all conditions and pray for grant of anticipatory bail.

4. The learned APP appearing for the State opposes the present anticipatory bail application. The learned APP submitted that the present applicant was absconding and charge-sheet is filed against him. A bogus lady in the place of deceased Zubeda Shaikh was presented before the Sub-Registrar and the present applicant has knowledge about the said lady, hence, the custody of the applicant is necessary for further investigation.

5. I have heard learned counsel appearing for the applicant and learned APP for the State. I have also gone through the FIR and the documents on record.

6. The applicant claims to be dealing in real estate business. As per the FIR, the immovable property of deceased Zubeda Shaikh was alienated on 30/10/2019, when Zubeda had died in the year 2014. The present applicant claims to be one of the purchaser in the said transaction dated 30/10/2019 of execution of sale deed. After lodging of FIR, they claim now there is settlement between the informant and the applicant. The informant has agreed to sale disputed property to the brother of the applicant and accordingly, agreement to sale has been executed. Considering the allegations in the FIR, though the informant has entered into the settlement with the brother of the applicant, the allegations in the FIR needs to be investigated and the physical presence of the present applicant is necessary for the purpose of interrogation as to know who had impersonated deceased Zubeda Shaikh on 30/10/2019. In this view of the matter, I find no substance in the submission made by the applicant.

7. In view of the above, the physical presence of the applicant for interrogation would be necessary for completing the investigation and interrogating about the aspect of cheating, forgery. Hence, **the present anticipatory bail application is rejected and disposed of accordingly**.

(RAJESH S. PATIL, J.)