

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

ANTICIPATORY BAIL APPLICATION NO. 671 OF 2025

Usha Rupabhai Parmar and Anr. ...Applicants

V/s.

The State of Maharashtra ...Respondent

Mr. Niranjan Mundargi a/w Vikas Mishra, Advocate for the Applicants.

Mr. P. H. Gaikwad, APP for the Respondent/State.

Mr. Ashutosh Gole, Advocate for the Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 09.10.2025.

P.C. :

1. This is an application for Anticipatory Bail.
2. The applicants are apprehending their arrest in Crime No. 635 of 2024 registered at Naigaon Police Station, for the offences punishable under Sections 420, 465, 467 & 471 read with 34 of the Indian Penal Code.
3. One Chima Bharat was the tenant of the land bearing survey Nos. 83, 74/1, 75/1, 79/1, 79/3, 82, 84/1, & 13/8. After the death of Chima Bharat in 1977, the names of his legal heirs came to be recorded in the 7/12 extracts. The first informant is one of

the said legal heirs. According to the first informant, in 2006, the said survey numbers were leased to the present applicants. There was a proposal, at the instance of the applicants, to purchase the said survey numbers. It is alleged that in the year 2007, the present applicants and first informant's legal heirs were taken to the registrar's office on the pretext of executing the lease agreement. For the said purpose, taking advantage of their illiteracy, their signatures and thumb impressions were taken on certain documents. Subsequently, it was found that the names of the present applicants came to be mutated in the 7/12 extracts. According to the first informant, his mother died on 12.1.2019. However, on 18.11.2019 a statement of his mother pertaining to permission for sale was allegedly recorded by the circle officer. The first informant has alleged that the said documents were forged and fabricated by the applicant and other co-accused.

4. I have heard the learned counsel for the applicants, the learned APP for the respondent-State and the learned counsel for the respondent-first informant.

5. The learned counsel for the applicants submits that the

applicants were in possession of the survey Nos. 83, 74/1, 75/1, 79/1, 79/3, 82, 84/1 & 13/8. It is submitted that thereafter two suits were filed by the legal heirs of Chima Bharat for possession of the said lands. It is submitted that the said suits came to be compromised and the Court has passed a consent decree in the said suits. The learned counsel for the applicants has drawn my attention to the order passed in the Writ Petition No. 5722 of 2020 of which reference is made in the FIR. Learned counsel for the applicants submits that the said writ petition was filed by the legal heirs of Chima Bharat as the Collector was not deciding the application filed by them under Section 36A of the Maharashtra Revenue Code for grant of permission to sell the land in favour of the present applicants. It is submitted that even after passing of the consent decree, some more amount was paid to the legal heirs of Chima Bharat and then the agreement to sell was executed in favour of the present applicants. It is submitted that the applicants are in no way concerned with the documents in respect of which forgery is alleged. It is submitted that after grant of permission by the Collector by order dated 17.09.2021 the land in question is sold to third parties and at their instance lodged the false report. The learned counsel for the applicants, during the

course of hearing of the present application, on instructions, has made a categorical statement that the first informant and other legal heirs of Chima Bharat are in possession of the land in question. It is submitted that there is no need of custodial interrogation.

6. On the other hand, the learned APP for the respondent-State and learned counsel for the first informant submit that the applicants have acted in a fraudulent manner and got prepared forged documents with a view to grab the land in question. It is submitted that though the mother of the first informant died on 12.01.2017, her statement is shown to have been recorded on 18.11.2019. It is submitted that considering the nature of the crime the applicants may not be released on anticipatory bail.

7. I have perused the decree passed by the Civil Courts so also the order passed by the Collector. *Prima-facie*, the dispute between the parties appears to be of civil nature. There appears to be no need of custodial interrogation. In that view of the matter, I am inclined to release the applicants on anticipatory bail. In the result, the following order is passed :

ORDER

- a) The Application is allowed.
- b) In the event of arrest of the applicants in connection with Crime No. 635 of 2024 registered at Naigaon Police Station, for the offences punishable under Sections 420, 465, 467 & 471 read with 34 of the Indian Penal Code, the applicants be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount.

[N.R.BORKAR, J.]