

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.925 OF 2025

Vishal Vilas Salve

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Ms. Rucheeta Dhuru a/w. Mr. Nasir Husain Naik, for the Applicant.
Ms. S. M. Yadav, APP, for the Respondent No.1-State.
Mr. Sachin S. Gite, for the Respondent No.2.
Mr. Dattatraya Eknath Gode, PSI, Mumbai Naka Police Station,
Nashik, present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 24th SEPTEMBER 2025

PC:-

1. Heard Ms. Dhuru, learned Counsel appearing for the Applicant, Ms. Yadav, learned APP appearing for the Respondent-State and Mr. Gite, learned Counsel appearing for the Respondent No.2.

2. This application is filed under Section 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023 seeking pre-arrest bail in connection with C.R. No.67 of 2025 registered with Mumbai Naka Police Station, Nashik, for the offences punishable under Sections

318(2), 319(1), 335, 336(2), 336(3), 338, 339, 340(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the Applicant who is accused No.1, is the beneficiary of forged and fabricated Will dated 18th September 2023 of deceased Hemendra Vasudeo Bataviya. The accused Nos.2 and 3 are the persons who have witnessed the execution of the said Will. The accused No.4 is the Doctor who certified that the deceased was in a proper mental and physical condition. The accused No.5 is the purchaser of stamps on which the said Will was typed. As per the prosecution case, Will alleged to be executed by the deceased- Hemendra Vasudeo Bataviya is forged and fabricated document.

4. Ms. Dhuru, learned Counsel appearing for the Applicant submits that the deceased- Hemendra Vasudeo Bataviya was very old and his one leg was required to be amputated due to Gangrene and at that time the deceased was not able to stand. The wife of deceased- Hemendra Vasudeo Bataviya was not taking his care and son of the deceased- Hemendra Vasudeo Bataviya namely Chirag Bataviya was staying in United Kingdom. It is the submission of

learned Counsel that the Applicant was looking after the deceased for number of years and therefore, a Will dated 18th September 2023 has been executed, by which one property bearing Survey No.780/8 admeasuring 84 R in Nashik has been bequeathed in favour of the Applicant. She submits that the Will is a genuine Will. As widow of deceased-Hemendra Vasudeo Bataviya i.e. Lata Bataviya-First Informant/Complainant and son-Chirag Bataviya were obstructing the possession of the Applicant of the subject property, the Applicant has filed Civil Suit bearing Regular Civil Suit No.310 of 2024 and the same is pending in the Court. She submits that there is no proceedings filed challenging the said Will by the First Informant-Lata Bataviya or son-Chirag Bataviya. She submits that in any case, the dispute is of civil in nature.

5. On the other hand, Ms. Yadav, learned APP appearing for the Respondent-State and Mr. Gite, learned Counsel appearing for the Respondent No.2 strongly oppose the granting of pre-arrest bail to the Applicant. Both of them submit that the Applicant who is the beneficiary of alleged Will has nothing to do with the deceased. The Applicant is an Estate Agent and he took advantage of the situation and created a bogus Will. Both of them submit that stamp

paper has been purchased by the accused No.5 who has nothing to do with the deceased. Both of them state that Medical Certificate given is also contrary to the health condition of the deceased and the deceased was not being treated by the said Doctor, who has given the Medical Certificate. Mr. Gite, learned Counsel submits that it is for the Applicant to file proceedings for establishing the authenticity of the Will and it is not necessary for the First Informant i.e. widow of the deceased-Hemendra Bataviya to file proceedings challenging the validity of the said alleged Will allegedly executed by the deceased-Hemendra Bataviya. Mr. Gite, learned Counsel further submits that the First Informant-Lata Bataviya was staying along with the Deceased-Hemendra Bataviya and she took his care diligently till his death. He further submits that the Applicant was not at all concerned with the Deceased - Hemendra and the Applicant never took care of the Deceased at any point of time.

6. Perusal of the record shows that the said alleged Will records various reasons for bequeathing said property namely Survey No.780/8 of Nashik in favour of the Applicant, who is the beneficiary of the Will. Regular Civil Suit No.310 of 2024 has

already been filed by the Applicant before the learned Civil Judge, Senior Division, Nashik, concerning the said property where *inter alia* the contentions regarding legality and validity of the said Will have been raised. Admittedly, the First Informant/Complainant has not filed any suit or proceeding challenging legality and validity of the said Will. In any case, a learned Single Judge by order dated 29th April 2025 has granted interim protection which is in operation till date.

7. Ms. Dhuru, learned Counsel submits that the Applicant has completely co-operated with the investigation and will co-operate with the investigation.

8. Accordingly, the case is made out for grant of Anticipatory Bail. In view thereof, the following order is passed:

ORDER

(a) In the event of arrest of the Applicant-Vishal Vilas Salve in connection with C.R. No.67 of 2025 registered with the Mumbai Naka Police Station, Nashik, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of

Rs.1,00,000/- with one or two solvent sureties in the like amount.

- (b)** The Applicant shall attend the Mumbai Naka Police Station, Nashik, on 6th October 2025, 7th October 2025 and 8th October 2025 between 11:00 a.m. to 02:00 p.m. In addition, the Applicant shall attend the concerned Police Station as and when called and also once in 15 days i.e. on first and third Sunday between 11:00 a.m. to 02:00 p.m.
- (c)** The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d)** The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (e)** The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the

Complainant or any witness in any manner.

(f) The Applicant shall deposit his passport with the Investigating Officer.

(g) The Applicant shall not leave India without prior permission of the Court.

9. The Anticipatory Bail Application is disposed of accordingly.

10. It is clarified that the observations made in this order are *prima facie* observations and all contentions are expressly kept open.

[MADHAV J. JAMDAR, J.]

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