

Shabnoor

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

ANTICIPATORY BAIL APPLICATION NO.1635 OF 2025

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Kishore Lal Chugh

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Sanjeev Kadam a/w Sanjive Sawant, Abhishek
Deshmukh, Bhakti Wast i/b Abhishek Deshmukh for
the Applicant.

Mr. Sagar Agarkar, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 22, 2025

P.C.:

1. By this application, the applicant seeks relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973. He apprehends arrest in connection with Crime Register No. 05 of 2025 registered with Uran Police Station. The offences alleged are punishable under Sections 335, 336(1), 336(2), 337, 339, 341, along with amended provisions of Sections 464, 463, 465, 466, 467, 474 and 472 of the Indian Penal Code, 1860.

2. As per the prosecution, a heirship certificate was issued in favour of one legal heir of the deceased. That heir thereafter executed an agreement to sell in favour of the applicant, after receiving the entire consideration of Rs. 84 lakh. Out of this, Rs. 42 lakh was paid through cheque. However, the case of the

prosecution is that the heirship certificate was procured by suppressing the rights of other heirs, particularly one Rama Patil. On the strength of such a certificate, CIDCO sanctioned and allotted the plot, which was then agreed to be sold to the present applicant. It is, therefore, the allegation that the applicant has become a beneficiary of a transaction rooted in a forged document.

3. Learned senior Advocate for the applicant has invited attention to certain material circumstances. First, before executing the agreement to sell, a public notice was issued inviting objections. No objections were received at that stage. Second, the agreement was supported by documentary evidence of payment. The bank account extract produced on record shows that Rs. 42 lakh was paid by cheque, and the said amount stood debited from the applicant's account. On this basis, it is argued that the applicant entered into the transaction after due diligence and in good faith. He is, therefore, a bona fide purchaser of the property. It is further submitted that the applicant is ready to co-operate with the investigation in all respects, and hence, the interim relief protecting him from arrest deserves to be continued.

4. The learned APP has opposed the application. It is urged that the offence is grave in nature since it involves allegations of fabrication of a judicially recognised document, namely the heirship certificate. The forgery relates to an order of the Court, and therefore, custodial interrogation of the applicant is necessary to unearth the conspiracy and identify the role of each accused.

5. Having perused the record, I find that certain circumstances

are clear and undisputed. The issuance of a public notice before the transaction stands established. The consideration of Rs. 42 lakh was indeed paid through cheque, and the bank entries prove debit from the applicant's account. These factors support the plea that the applicant has entered into the transaction in a bona fide manner with the person who obtained the heirship certificate. At this stage, there is no material to suggest that the applicant himself was party to the preparation of the alleged forged certificate. These facts, taken together, make out a prima facie case for the applicant to seek continuation of interim protection earlier granted by this Court.

6. Hence, following order:

- a) In the event of arrest in connection with Crime Register No. 05 of 2025 registered with Uran police station, for offences punishable under Sections 335, 336(1), 336(2), 337, 339, 341 (amended Sections 464, 463, 465, 466, 467, 474 and 472 of IPC, the applicant be released on bail on furnishing P.R. bond of Rs.25,000/-, along with one or two sureties in the like amount.
- b) The applicant shall remain present before the concerned police station as and when called by the investigating officer.
- c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

7. The Anticipatory Bail Application stands disposed of in above terms.

(AMIT BORKAR, J.)