IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.1693 of 2025

Chandrakant Ratilal Patil
Age 34 years, Occ. Agriculturist,
R/at. Saranga Gaon, Post: Pimplas,
Bhiwandi, Thane. … Applicant

versus

The State of Maharashtra
At the instance of Sr. Inspector of
Police, Karjat Police Station
Vide their C.R. No.62 of 2025. …Respondent

Mr Rahul Arote, for the Applicant.
Mr Anand Shalgaonkar, APP, for Respondent / State.
HC 919 Sandeep Narute, SDPO Karjat Raigad, is present.

Coram: R.N. Laddha, J.
Date: 1 August 2025

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.62 of 2025, registered at Karjat Police Station, Raigad, for offences punishable under Sections 471, 468, 467 and 420 read with 120B of the Indian Penal Code.

2. It is the case of the prosecution that the applicant, in collusion with co-accused Lalchand and Vijay, orchestrated a

fraudulent scheme to unlawfully acquire ownership of land belonging to the Balsara family, namely the Late Aspy Balsara, Hemi Balsara, Jal Balsara and Tina Balsara. As a part of this conspiracy, the accused engaged Ravindra and three other individuals to impersonate members of the Balsara family before the Office of the Sub-Registrar of Assurances in Karjat. These impersonators falsely presented themselves as the members of the Balsara family and owners of the property in question with the intention of deceitfully transferring ownership of the property situated in the village of Shingdhol. To execute this fraudulent transaction, the accused are alleged to have fabricated government-issued identification documents to support the false identities of the impersonators. Using these forged documents, they proceeded with the execution of a sale deed bearing registration No.5412 of 2017 dated 9 October 2017, thereby creating a semblance of legality for the purported transfer of land ownership. Furthermore, it is alleged that even after the issuance of public notices and despite the pendency of civil and revenue litigation concerning the disputed properties, the applicant, together with co-accused Lalchand and Vijay, continued their unlawful activities. They further transferred the disputed lands in collusion with additional co-accused, namely Anant, Aparna, Kailas, Ganesh, Mamta, Pragati, Krishna, Vinod, Sanjay, Kauda, Narayan, Koshil, Gopal, Vinit, and Ravindra, as well as other unidentified persons. These subsequent transfers were made with full knowledge of the fraudulent origin of the titles, and the lands were further alienated by these parties through additional sale transactions to third parties.

3. Mr Rahul Arote, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant was introduced to co-accused Lalchand by his brother and co-accused, Vijay. It was Lalchand who purported to be the constituted attorney of the Balsara family, claiming to have the authority to sell the properties in question. Relying upon these representations made by Lalchand, the applicant proceeded to purchase the said lands for valid consideration, in good faith and without any knowledge of any illegality. The learned Counsel contends that the applicant is a *bonafide* purchaser for value and has been falsely implicated in the present crime. It is pointed out that the sale deed was executed as far as back in the year 2017, whereas the FIR has been registered only on 8 March 2025, after an inordinate and unexplained delay of several years. According to the learned Counsel, the dispute is essentially civil in nature, rather than criminal. In conclusion, Mr Arote submits that the applicant is willing to comply with any conditions that may be imposed by

this Court and prays that the applicant be granted the relief of anticipatory bail.

4. On the other hand, Mr Anand Shalgaonkar, the learned Additional Public Prosecutor representing the respondent/ State, vehemently opposes the applicant's request for pre-arrest bail and contends that the offence is grave and carries serious implications. According to the learned APP, the applicant, acting in collusion with the co-accused, was fully aware that the rightful owners, the Balsara family, were not residing in the village of Shingdhol. Taking undue advantage of their prolonged absence, the accused persons fraudulently transferred ownership of the Balsara family's land by fabricating identity documents and orchestrating the impersonation of the actual owners.

5. Mr Shalgaonkar particularly underscores the shocking detail that one of the members of the Balsara family, Aspy Balsara, had passed away in 2014, yet someone personated him in 2017 to execute a purported sale deed, indicative of a meticulously planned and deliberate act of forgery. He further submits that the applicant has a criminal antecedent, with a similar offence registered against him. This demonstrates a pattern of conduct rather than an isolated incident.

6. The learned APP emphasises that the investigation is still at a nascent stage. Crucial evidence, including forged government-issued identity cards and the questioned sale deeds, remains to be recovered. In such circumstances, custodial interrogation of the applicant is necessary for unearthening the full extent of the conspiracy, identifying all participants, and tracing the money trail. Mr Shalgaonkar also points out that the applicant has made two prior attempts to secure anticipatory bail before the Sessions Court, both of which were rejected, first on 25 April 2025 and again on 12 June 2025. Since the filing of the FIR on 8 March 2025, the applicant has deliberately evaded investigation and not cooperated with the authorities. Given these circumstances, according to the learned APP, the applicant is not entitled for any discretionary relief in the form of pre-arrest bail. There is also a possibility that the applicant may tamper with the evidence or influence witnesses.

7. This Court has considered the rival contentions canvassed across the Bar and perused the records.

8. It is a settled position in law that the power to grant anticipatory bail is extraordinary and must be used with caution and discretion, based on the specific facts of each case. Unlike regular bail, it cannot be treated as a general rule. Courts must

avoid a one-size-fits-all approach, as granting such pre-arrest bail in serious cases may affect the investigation. These aspects are also highlighted in the decision of the Hon'ble Supreme Court in *Srikant Upadhyay & Ors. Vs State of Bihar & Anr., 2024 SCC OnLine SC 282.*

9. Upon perusing the records, it transpires that there are clear and specific allegations levelled against the applicant. The applicant, in collusion with co-accused Lalchand and Vijay, is alleged to have devised and executed a fraudulent scheme aimed at unlawfully acquiring ownership of lands belonging to the Balsara family, situated in the village of Shingdhol, Karjat. To perpetrate this illegal transfer, the applicant and his co-accused allegedly forged government-issued identification documents in the names of the rightful owners, the Balsara family members, and orchestrated their impersonation before the Office of the Sub-Registrar of Assurance at Karjat. A particularly egregious aspect of this scheme is the purported impersonation of one Aspy Balsara, one of the original co-owners of the said lands, who had passed away in 2014. It is alleged that an unidentified person assumed his identity to execute the fraudulent sale deed in 2017. Further, it is revealed that certain Balsara family members were residing overseas at the time of the alleged transaction, further casting doubt on the

legitimacy of their supposed appearance and consent. Subsequently, in 2019, the applicant, along with co-accused Lalchand, is alleged to have sold portions of the fraudulently acquired lands to other co-accused individuals, accepting substantial monetary consideration in return. *Prima facie,* there exists considerable material on record indicating the applicant's active involvement in the commission of the offence and his direct benefit therefrom. Additionally, the applicant has criminal antecedents of a similar nature, which heightens the gravity of the present allegations. The investigation is presently at an early stage. The recovery of forged and fabricated documents is still pending, and custodial interrogation of the applicant is essential to uncover the full extent of the conspiracy and to identify all individuals involved. Granting the applicant bail at this juncture would likely impede the ongoing investigation and compromise the integrity of the proceedings. In light of the foregoing, this Court finds no justifiable reason to exercise discretion in favour of the applicant. Accordingly, the present application stands rejected.

(R.N. Laddha, J.)