IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.1805 of 2025

1) Shaikh Sajid Shaikh Khalil
Aged about 44 yrs, Occ: business,
R/at JR Apt, adjacent Ikrar Karyalaya,
Malegaon camp, Malegaon, Nashik.

2. Shaikh Wajid Shaikh Khalil
Aged about 38 yrs. Occ: business,
R/at S.No.78/1B, Plot No.9, Gulstan
Khalil, near New Faran Hospital,
Malegaon, Nashik. … Applicants.

Vs.

The State of Maharashtra
(at the instance of Chavani
police station, Malegaon, Nashik) … Respondent.

Mr Chetan S Damre for the applicant.
Mr Pankaj Deokar, APP for the respondent / State.
PI Jadhav Chhavni police staiton, Malegaon, Nashik Rural.

Coram : R.N.Laddha, J.
Date : 4 July 2025.

P.C. :

By this application, the applicant seek pre-arrest bail in connection with CR No.153 of 2025, registered at Malegaon Chhavani Police Station, Nashik Rural, for the offences punishable under Sections 82 and 83 of the

Registration Act, 1908 and Sections 318(4), 338, 336(3), 340(2) of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. It is the case of the prosecution that, the informant, a Sub-Registrar, received a letter from the District Registrar's Office, Nashik, and lodged a complaint alleging that the sale deed No.4544 of 2020 dated 19 June 2020, for property bearing Survey No.96/2/B, Plot No.13, admeasuring 185.87 sq.mtrs situated at Malegaon, was fraudulently executed by an impersonator (co-accused) posing as the owner.

3. The learned Counsel for the applicants submits that the applicants are the stamp vendors and are in the said business since the year 2001. The receipt issued by them dated 16 September 2020 shows that they have received total amount of Rs.27,340/- only towards the stamp duty and registration fee charges from the purchaser Momin Saud Bin Abdul Mannan and does not have any knowledge about the purchaser, the imposter person. The learned Counsel further submits that the applicants neither have created nor have drafted the alleged document. The applicants never signed any alleged document and have no role in the execution of the said document in question. The

verification of the title document, property records and execution was done by following due process of law before the Sub-Registrar and accordingly legal stamp duty was paid as per law. All the evidence is in the nature of documents which are already in possession of the prosecution.

4. The learned Counsel further submits that the applicants are not the beneficiary of the alleged transaction nor is there any allegation that they benefited from this transaction or were aware about the alleged impersonation of the co-accused. He submits that the applicants have no any direct or indirect involvement in commission of crime. There is no intention or motive for committing the said offence. Furthermore, there is substantial delay of five years in registering the FIR. The alleged document was executed on 19 June 2020, whereas the impugned FIR came to be lodged on 12 June 2025. He further submits that the applicants are ready to cooperate with the investigation by attending the concerned police station.

5. On the other hand, the learned APP submits that the offence is of grave and serious in nature. The co-accused in the present case are not yet arrested. The learned APP,

however, fairly concedes that all the documents are already in possession of the investigating officer and the investigation with regard to the present applicants is almost complete.

6. Upon perusing the records, it appears that the applicants are stamp vendors engaged in sale of stamp papers since 2001. It further appears that in the regular course of business, they issued a receipt dated 16 September 2020 for Rs.27340/- to one Momin Saud Bin Abdul Mannan towards stamp duty and registration charges. There is nothing on record to show that the applicants had knowledge or reason to suspect any impersonation or fraud by the purchaser. Furthermore, it is not the case of the prosecution that they authored or executed the document in question. It is also not the case of the prosecution that they were involved in the alleged process of registration of the sale deed. Their role appears to be limited to the sale of stamp papers. The verification of title and execution of the sale deed was conducted before the Sub-Registrar with due compliance of legal formalities. All the evidence is documentary and already with the investigating agency. There are no allegations that the applicants are beneficiaries

or have they gained from the alleged transactions. Furthermore, no allegation exists suggesting their knowledge of or involvement in the alleged impersonation. Notably, there is an unexplained delay of nearly five years in lodging the FIR, which was filed on 12 June 2025 despite the document being dated 19 June 2020.

7. In view of the above, this Court is inclined to grant the relief in favour of the applicants. Hence the order.

ORDER

i) In the event of applicants' arrest, in connection with CR No.153 of 2025, registered at Malegaon Chhavni police station, Nashik Rural, they be released on executing the PR bond of Rs.25,000/- each, with one or more sureties in the like amount.

ii) The applicants shall attend the concerned police station as and when required by the investigating officer and shall cooperate with the investigation.

iii) The applicants shall not tamper

with the evidence or influence witnesses.

8. Accordingly, the application stands disposed of.

[R. N. Laddha, J.]