IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.1826 of 2025

1. Momin Saud Bin Abdul Mannan
Age : 32 yrs, Occ: business,
R/o Survey No.144, Plot No.37,
Biradar Bagh, Malegaon, Dist.Nashik.

2. Zaheer Ahmad Ghulam Ahmad,
Age: 53 yrs, Occ : Business
R/o House No.612, Lane No.13,
Islampura, Malegaon, Dist.Nashik. … Applicants

Vs.

The State of Maharashtra
Through Chavani police station
Malegaon, Dist.Nashik. … Respondent

Mr Mahendra Sandhyanshiv for the applicants.
Mr Anand Shalgaonkar, APP for the respondent / State.
PI Dipak Jadhav, Chavni police station, Malegaon, Nashik (Rural).

Coram : R.N.Laddha, J.
Date : 7 July 2025.

P.C. :

The applicants apprehend arrest in connection with CR No.153 of 2025, registered at Chavani Police Station, Malegaon, for offences punishable under Sections 82 and

83 of the Registration Act, 1908, and Sections 318(4), 338, 336(3) and 340(2) of the Bharatiya Nyaya Sanhita, 2023, and have preferred the present application seeking pre-arrest bail.

2. According to the prosecution, a Sub-Registrar serving as an informant received correspondence from the District Registrar of Nashik indicating that Sale Deed No.4544 of 2020, registered on 19 June 2020, concerning Plot No.13, admeasuring 185.87 square meters on land bearing Survey No.96/2/B in Malegaon, was fraudulent in nature. An investigation revealed that this land originally belonged to Umar Abu Bilal Ahmed Nusani. At the time of the registration of the sale deed, an individual impersonated Nusani and executed the sale deed, thereby illegally transferring ownership rights in the land to Applicant No.1. Applicant No.2 acted as a witness to this fraudulent transaction. The applicants allegedly conspired with co-accused individuals with the intent to unlawfully appropriate and transfer ownership of the plot originally owned by Umar Nusani.

3. Mr Mahendra Sandhyanshiv, the learned Counsel

appearing on behalf of the applicants, asserts the applicants' innocence and contends that there is a delay in lodging the FIR. Applicant No.1 is the *bona fide* purchaser of the property, and he paid Rs.6.67 lakhs to the vendor towards consideration. Furthermore, Applicant No. 2 is the attesting witness to the sale deed and has not benefited from it. The learned Counsel further submits that the applicant has been falsely implicated in the crime and is ready to abide by any conditions this Court imposes.

4. Conversely, Mr Anand Shalgaonkar, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicants' request for pre-arrest bail. He asserts that Applicant No.1 knows the individual who impersonated Nusani by using a fraudulent election card originally issued to Saeed Nazar Ali for identification purposes during the registration of the purported sale deed. Furthermore, Applicant No.2 attested to the bogus sale deed as a witness at the behest of Applicant No.1. The learned APP highlights that the sale of the plot was facilitated through a cash transaction. The applicants, with the intent to unlawfully obtain the plot, fraudulently registered the fake sale deed and derived benefits therefrom. The learned

APP further contends that the applicants' custody is essential to identify the individuals involved in the crime and avoid losing vital links. Granting pre-arrest bail to the applicants may lead to tampering with evidence or influencing witnesses.

5. This Court has given anxious consideration to the rival contentions and perused the records.

6. 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. All these aspects are highlighted in the decision of the Hon'ble Supreme Court in *Srikant Upadhyay v. State of Bihar, 2024 SCC OnLine SC 282*.

7. Upon perusing the records, it appears that the applicants are alleged to have been involved in the fraudulent execution and registration of a sale deed concerning the land in question. This fraudulent transaction

was purportedly facilitated with the assistance of an individual who impersonated the lawful owner of the said property. The material on record indicates that the person who executed the impugned sale deed presented an Election Card as proof of identity, which, upon scrutiny, has been found to be forged and fabricated. Notably, Applicant No.1 is alleged to have paid the entire sale consideration in cash to this personator. The circumstances clearly demonstrate that Applicant No.1 benefited from this transaction. Furthermore, despite the fact that the vendor was not the actual owner of the property, Applicant No.2 is said to have identified the impersonator and attested the sale deed as a witness to the transaction, thereby lending credibility to the fraudulent transaction. *Prima facie,* there is sufficient material on record to indicate the applicants' active involvement in the commission of the offence. In cases of this nature, where serious allegations of impersonation and property fraud are involved, custodial interrogation of the applicants is necessary to unravel the fraud in its entirety and identify all those who may have played a role in the offence. The release of the applicant on pre-arrest bail would jeopardise the course of an effective investigation.

8. In light of the above, this Court is not inclined to exercise its discretion in favour of the applicant. As a result, the application stands rejected.

[R. N. Laddha, J.]