

Shabnoor

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

ANTICIPATORY BAIL APPLICATION NO. 2633 OF 2025

Shyamsundar Radhysham Agrawal ... Applicant
V/s.
 The State of Maharashtra ... Respondent

INTERIM APPLICATION NO.3650 OF 2025

IN

ANTICIPATORY BAIL APPLICATION NO. 2633 OF 2025

Balwant Kashinath Patil ... Applicant
V/s.
 Shyamsundar Radhysham Agrawal
 & Anr. ... Respondents

Mr. Mihir Desai, Sr. Advocate a/w Pawan Patil, Tanmay Deshmukh, for the Applicant.

Mr. Murtaza Naijmi a/w Faizan Shaikh, for the Intervener.

Ms. Mahalakshmi Ganapathy, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 1, 2025

P.C.:

1. By this application, the applicant seeks the relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973. The applicant apprehends arrest in connection with Crime Register No. 559 of 2025 registered with Thane Nagar Police Station for offences punishable under Sections 420, 467, 468, 471, 120B read with Section 34 of the Indian Penal Code, 1860.

2. The case of the applicant is that the allegation of forgery pertains to documents allegedly created in the year 2003. It further appears that, on the basis of those documents, certain transactions and titles were executed during the years 2007–2008, and those transactions were acted upon in 2008. Thus, the alleged acts of forgery and their consequential effect date back to the period between 2003 and 2008. However, the First Information Report came to be registered only in the year 2025, that is, after a lapse of about 17 to 22 years from the period of the alleged acts. This delay is not explained by the prosecution in any convincing manner. At the stage of considering an application for anticipatory bail, the long and unexplained delay in lodging the FIR is a relevant factor which creates doubt about the urgency and bona fides of the prosecution case.

3. The informant seeks to derive rights over the property through an original protected tenant. The Supreme Court, in the case of *Mohammad Ibrahim v. State of Bihar* (2009) 8 SCC 751, has explained that not every wrong relating to title documents constitutes an offence of forgery or cheating. Unless the ingredients of criminal offences are clearly made out, such disputes should be adjudicated before civil courts.

4. The lapse of time, the civil nature of the dispute, and the settled legal position that criminal law should not be used as a weapon in civil disputes, all weigh in favour of granting interim protection.

5. In view of the above discussion, I am of the opinion that the applicant has made out a case for grant of interim protection. Accordingly, the applicant shall not be arrested in connection with Crime Register No. 559 of 2025 until the next date of hearing.

6. Hence, following order:

a) In the event of arrest in connection with Crime Register No.559 of 2025 registered with Thane Nagar Police Station, for offences punishable under Sections 420, 467, 468, 471, 120B, r/w 34 of IPC, the applicant be released on bail on furnishing P.R. bond of Rs.50,000/-, 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. Stand over to **7 October 2025**.

(AMIT BORKAR, J.)