AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2791 OF 2025

Sunil Chango Patil ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr. Nitin Sejpal with Mrs. Pooja N. Sejpal and Mr. Siddharth Gharat for the applicant.

Mrs. Rajashree V. Newton, APP for the respondent-State.

Mr. Manish More, API, Khalapur Police Station, is present.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 13, 2025

P.C.:

1. The applicant has filed the present application under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking pre-arrest bail in connection with Crime Register No. 237 of 2025, registered with Khalapur Police Station. The offences alleged are punishable under Sections 3(5), 318(4), 335, 336(1), 336(2), 336(3), and 340 of the Bharatiya Nyaya Sanhita, 2023. The applicant apprehends arrest in the said crime.

2. As per the prosecution case, one Vikram B. Khandelwal, a resident of Goregaon (East), Mumbai, resides there with his family, while his parents reside at Indore, Madhya Pradesh. His father, Shri Biharisharan Khandelwal, had purchased land bearing Survey

No. 301 admeasuring 0-30-0 H R, Survey No. 31 admeasuring 0-35-03 H R, and Survey No. 32/1 admeasuring 3-36-0 H R, situated at Mauje Khanapur, from one Harishchandra Balaji Dingorkar and others in the year 1989. The property is located in a hilly region adjacent to the Mumbai–Pune National Highway and remained undeveloped.

3. In November 2024, the first informant's friend, one Saurabh Papadiwal, a resident of Kalambole, Panvel, while travelling from Khopoli to Panvel, noticed excavation work being carried out on the said property using JCB machines. On making enquiry with the first informant, it was revealed that the family of the informant had not sold or developed the said property. On online verification, it was found that the property had been transferred in the name of one Siddique Abdul Kadar Shaikh. Upon obtaining records from the revenue department, it came to light that a sale deed was registered vide document No. 4558 of 2024, dated 26 July 2024, before the Sub-Registrar, Khalapur, showing the said Siddique Abdul Kadar Shaikh as the purchaser. The said document bore the signatures of Khalid Anwar Munirruddin Kaazi and Advocate Kashinath D. Shinde as witnesses. The photograph affixed against the name of the father of the first informant was of another person, and the signature thereon was forged. It was thus alleged that the above persons conspired together to unlawfully transfer the property belonging to the father of the first informant. Consequently, a complaint was lodged at Khalapur Police Station.

4. Learned Advocate appearing for the applicant submitted that the only allegation against the applicant, as per the remand papers, is that he received certain amounts in his bank account from a dubious account opened by the main accused. It is alleged that one Munaf forwarded photocopies of the Aadhar Card and PAN Card of Khandelwal to the applicant, which were then forwarded by the applicant to the prime accused Advocate Kashinath Shinde. The learned Advocate submitted that it is not the prosecution's case that the applicant fabricated any document. The mere forwarding of photocopies does not constitute any offence. There is no evidence of wrongful loss caused to the first informant or any other person. The money allegedly transferred to the applicant's account is not the subject matter of the present FIR. The only role attributed to the applicant is the receipt of certain amounts from co-accused. The learned Advocate submitted that the offence is based on documentary evidence and that custodial interrogation is not required.

5. On the other hand, learned APP Mrs. Newton opposed the application. She submitted that the actual identity of the person impersonating as Vikram Khandelwal is yet to be ascertained. It is alleged that accused No. 1, being the purchaser, hatched a conspiracy to get the property transferred in his name with the intention of subsequently selling it for a large amount. The applicant is a part of this conspiracy. Detailed investigation and interrogation are necessary. She submitted that the statement of accused No. 3 discloses that the applicant received a total of Rs. 12,45,100/- through five different bank accounts. The money deposited in a fake account was routed through these accounts, and the applicant retained the said amount without transferring it further, which shows that he is the ultimate beneficiary of the crime proceeds. It is further submitted that the applicant used seven mobile phones and sixty-two SIM cards during the commission of the offence. The bank account of the fictitious person was opened with the assistance of the applicant. The passbook and cheque book of the fictitious person were collected by him. The fake PAN card, Aadhar card, passbook, cheque book, and other incriminating documents are yet to be recovered. Therefore, custodial interrogation of the applicant is necessary. The learned APP thus prayed for rejection of the bail application.

6. Having heard both sides and upon perusal of the material on record, the following points emerge for consideration.

7. The allegations against the applicant are serious in nature. The case pertains to a well-planned conspiracy to usurp immovable property belonging to the father of the first informant by using forged and fabricated documents. The offence involves impersonation, preparation of false identity proofs, creation of fake bank accounts, and registration of a fraudulent sale deed. Such offences are not confined to mere monetary gain; they strike at the foundation of public faith in property transactions and the functioning of public offices such as the Sub-Registrar and revenue authorities.

8. From the prosecution record, it appears that the applicant had an active role in the commission of the offence. It is alleged that the applicant received photocopies of the genuine owner's documents and forwarded the same to the main accused Advocate

Kashinath Shinde, who is alleged to have used those documents to execute the false sale deed. It is further alleged that the applicant received an amount of Rs.12,45,100/- in his bank account through five different accounts linked to the co-accused. The investigation has revealed that the applicant did not transfer this amount further to any person, which prima facie indicates that he is one of the beneficiaries of the proceeds of crime.

9. The material collected so far shows that the applicant assisted in opening and operating bank accounts in fictitious names, collected passbooks and cheque books, and used multiple mobile phones and SIM cards to carry out and conceal the fraudulent transactions. The recovery of several documents, including the fake PAN card, Aadhar card, passbook, and cheque book, is yet to be made. For such recovery, custodial interrogation of the applicant is necessary. The investigation is at a crucial stage, and releasing the applicant at this juncture may hamper the investigation or lead to tampering with evidence.

10. The contention of the applicant that he merely forwarded documents and did not fabricate them cannot be accepted at this stage. The nature of his involvement, as disclosed in the remand papers and the statements of co-accused, indicates that he was a link in the chain of conspiracy, facilitating the commission of the offence. The acts attributed to him cannot be termed as innocent or mechanical.

11. The magnitude of the fraud and the modus operandi adopted show a high degree of premeditation. The amount involved, though limited in numerical value, is part of a larger scheme to illegally acquire valuable property by fraudulent means. The offence is thus not of a petty character but one affecting public confidence in the sanctity of registered documents and property ownership.

12. Considering the nature and gravity of the offence, the role attributed to the applicant, the ongoing investigation, and the need for custodial interrogation for recovery of material evidence, this Court is of the view that the applicant does not deserve the protection of pre-arrest bail. Grant of such relief at this stage would adversely affect the investigation.

13. Accordingly, the application for pre-arrest bail stands rejected.

(AMIT BORKAR, J.)