AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2794 OF 2025

Mahesh Yuvraj Bavache ... 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 approached this Court 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.

2. The prosecution case is that one Vikram B. Khandelwal resides with his family at Goregaon (East), Mumbai. His parents live in Indore, Madhya Pradesh. His father, 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 1989. The land is located in a hilly area adjoining the Mumbai–Pune National Highway and was not developed.

3. In November 2024, the first informant's friend, Mr. Saurabh Papadiwal, a resident of Kalambole, Panvel, noticed excavation work being carried out on the said land using JCB machines while he was travelling from Khopoli to Panvel. He enquired about this with the first informant. On inquiry, the first informant's parents confirmed that they had neither sold nor permitted any development of the property. Upon online verification, it was found that the land stood transferred in the name of one Siddique Abdul Kadar Shaikh. The first informant obtained copies of the relevant documents from the revenue authorities and discovered that a sale deed was registered on 26 July 2024 vide document No. 4558/2024 in the office of the Sub-Registrar, Khalapur. In that deed, Siddique Abdul Kadar Shaikh was shown as the purchaser, while Khalid Anwar Munirruddin Kaazi and Advocate Kashinath D. Shinde signed as witnesses. It was further revealed that the photograph affixed in place of the seller's father was of another person, and the signature was not genuine. The complaint alleges that the aforesaid persons conspired among themselves and fraudulently transferred the property belonging to the father of the first informant. Consequently, an FIR was lodged at the Khalapur Police Station.

4. The learned Advocate for the applicant submitted that, as per the remand application, the only allegation against the applicant is that he received money in his bank account from an account opened by the prime accused using dubious means. It is alleged that one Munaf sent photocopies of the Aadhar card and PAN card of Mr. Khandelwal to the applicant, which the applicant forwarded to the main accused, Advocate Kashinath Shinde. The learned Advocate contended that there is no allegation that the applicant himself fabricated any document. Mere forwarding of copies of documents, without more, cannot amount to an offence. No wrongful loss has been caused to the first informant or any other person. The alleged money transfer to the applicant's account is not part of the subject matter of this FIR. The only link alleged is that the applicant received certain funds from the co-accused. The learned Advocate submitted that the offence is documentary in nature and that the applicant's custodial interrogation is not necessary.

5. On the other hand, Mrs. Newton, learned APP, opposed the application. She submitted that the true identity of the fictitious Vikram Khandelwal is yet to be ascertained. The prosecution case is that the purchaser, Accused No.1, conspired to have the property mutated in his name and intended thereafter to sell it for a large amount. The applicant is alleged to be part of this conspiracy. Hence, detailed custodial interrogation is required. From the statement of Accused No.3, it has emerged that the applicant received Rs. 18,09,000 through five different bank accounts. The money deposited in the fake account was transferred to those five accounts, and thereafter, the applicant transferred the total sum of Rs. 18,09,000 to various persons. The fake PAN card, Aadhar card, passbook, cheque book, and other relevant documents are yet to be seized. Therefore, according to the learned APP, the applicant's custody is essential for a fair investigation. She prayed that the application for pre-arrest bail be rejected.

6. Having considered the material placed on record and the rival submissions, this Court finds no merit in the application for pre-arrest bail.

7. The nature of allegations reflects a well-planned conspiracy to usurp immovable property through forged and fabricated documents. The property in question belongs to the father of the first informant. The material collected during investigation prima facie discloses that a sale deed was fraudulently registered by impersonating the real owner. The investigation has revealed that false documents such as PAN card, Aadhar card, and photographs were used to create the appearance of a genuine transaction.

8. The role attributed to the applicant cannot be viewed in isolation. The record indicates that the applicant received a substantial amount of Rs.18,09,000 through five different bank accounts which are linked to the fake account opened by the co-accused. The prosecution has placed material showing that the said funds were further transferred by the applicant to other persons involved in the offence. This chain of financial transactions, prima facie, suggests active participation of the applicant in the conspiracy.

9. The contention of the applicant that he merely forwarded certain documents and had no role in fabrication does not appear convincing at this stage. The forwarding of identity documents of the real owner to the prime accused, followed by receipt of large sums of money, indicates conscious involvement. The plea that the offence is purely documentary in nature is also misplaced. The preparation of false sale deed, use of forged documents, and transfer of money constitute acts of deception which can be unearthed only through detailed custodial interrogation.

10. The investigation is at a crucial stage. The prosecution has yet to recover forged identity documents, passbooks, and cheque books used in the offence. The source and end-use of the funds require verification through bank and digital records, which can only be effectively traced through interrogation in custody. Granting pre-arrest bail at this stage would obstruct the investigation and may result in tampering of evidence or influencing of witnesses.

11. The gravity of the offence, the magnitude of the fraudulent transaction, and the potential loss to the rightful owner are serious in nature. The applicant's role forms an integral part of a larger conspiracy. At this stage, the Court cannot accept the argument of innocence or minimal involvement when the investigation itself points to active participation.

12. Considering the overall circumstances, the seriousness of the allegations, and the necessity of custodial interrogation to trace the proceeds and unearth the full extent of the conspiracy, this Court is not inclined to exercise discretion in favour of the applicant.

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

(AMIT BORKAR, J.)