

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3486 OF 2025

Sanjay Mhase Patil	...Applicant
<i>Versus</i>	
The State of Maharashtra & Ors.	...Respondents

Mr. Aabad Ponda, a/w Chittesh Dalmia, for the Applicant.
Ms. S. K. Gajare, APP, for the Respondent-State.
Mr. Mohsin Ghaniwala a/w Mustafa Maimoon i/b Junaid Thange,
for the Respondent No.2.
PSI, S.D. Kisave, attached to Neral Police Station, Raigad, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 18th DECEMBER 2025

PC:-

1. Heard Mr. Ponda, learned Counsel appearing for the Applicant, Ms. Gajare, learned APP appearing for the Respondent-State and Mr. Ghaniwala, learned Counsel appearing for the Respondent No.2.

2. By this application filed under Section 482 of the Bharatiya Nagarik Surakhsha Sanhita, 2023 (“**BNSS**”) the Applicant is seeking pre-arrest bail in connection with C.R. No.178 of 2025 registered on 24th October 2025 with Neral Police Station, District

Raigad for the offences punishable under Sections 318(4), 319(2), 338, 336(2), 336(3), 340(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (“BNS”).

3. The prosecution case is set out in paragraph No.6 of the order dated 17th November 2025 passed by learned Additional Sessions Judge, Panvel, District Raigad in Criminal Bail Application No.887 of 2025, which reads as under :-

6] On perusal of FIR it appears that, Lawrence John @ Lowrence Manuel D’souza was the friend of the informant. Survey No.86/1/C admeasuring area 48 Gunthas and Survey 87/1 admeasuring area 0/27/3 Gunthas situated at Mauje Vare, Tal. Karjat, District-Raigad were owned by Lawrence D’souza. In 1999, Lawrence D’souza sold the said property to informant vide registered sale deed. In 2014, Lawrence D’souza shifted to Canada. The informant was in the possession of the said property. Though the informant has purchased the said property, but his name was not mutated 7x12 extract. The informant was under impression that his name would automatically get mutated to the said property. Hence, he could not taken followup for mutating his name. In 2024, when informant collected 7x12 extract of the aroresaid property from the Talathi, he came to know that name of Sanjay Tukaram Mhase is mutated to the 7x12 extract of survey NO.86/1/C area 48 Gunthas. On further inquiry he came to know that the said property was transferred by fake Lawrence Antony D’souza vide sale deed No.41/2018. The sale deed was executed in favour of applicant No.1 and his deceased brother

Pravin Mhase. Promod Mhase and Vinay Tiwari were witnesses to the said sale deed. Therefore, the informant lodged report to Neral Police Station C.R.No.178/2025 for the offences punishable under Section 318(4), 319(2), 338, 336(2), 336(3), 340(2) read with 3(5) of the BNS.

4. It is the submission of Mr. Ponda, learned Senior Counsel, appearing for the Applicant, that in fact the Applicant's cousin late Pravin Mhase was involved in negotiating the purchase of the subject land. He submits that the property has been purchased by registered agreement dated 05th January 2025 executed by one Lawrence D'souza in favour of the Applicant and his cousin brother late Pravin Mhase. He further submits that thereafter it was found that said Lawrence D'souza who executed registered agreement for sale in favour of the Applicant is not a genuine Vendor and some unknown person has impersonated as Lawrence D'souza. He submits that the Applicant is not involved in the crime. However, he submits that in the facts and circumstances, the Applicant is ready to execute a registered Deed of Cancellation/Release/Re-Conveyance by which the Applicant will transfer, relinquish and restore all the right and title interest in the said property in favour of the Respondent No.2. Learned Senior Counsel, on instructions of the Applicant who is personally present in the Court, submits that

the same will be done immediately and in any case within a period of 2 months from today. Learned Senior Counsel submits that accordingly the Applicant has executed the Consent Terms with the Respondent No.2.

5. On the other hand, Ms. Gajare, learned APP, strongly opposes granting Anticipatory Bail. She submits that the offence is very serious where the property of the Respondent No.2 has been transferred by impersonating the original owner Lawrence D'souza and therefore the custodial interrogation is necessary.

6. Mr. Ghaniwala, learned Counsel appearing for the Respondent No.2 confirms that the Applicant and Respondent No.2 has executed the consent terms. He submits that once the necessary Deed of Cancellation/Release/Re-Conveyance is executed and the subject property is transferred in favour of Respondent No.2, all, right, title and interest of the subject property are restored in favour of Respondent No.2 and the necessary changes are made in the Revenue Record, the Respondent No.2 will give consent for quashing of the subject FIR.

7. Accordingly the Consent Terms executed between the Applicant and Respondent No.2 are taken on record and marked 'X' for identification.

8. Perusal of the record shows that although the offence is very serious, however, as the Applicant is ready to execute the documents to transfer, relinquish and restore all the right, title and interest in the said property in favour of the Respondent -2 -First Informant and as the First Informant has also stated that thereafter he would be giving consent for quashing of the subject FIR, the case is made for grant of pre-arrest bail. However, it is also required to be noted that the Applicant is involved in 6 antecedents including the offence under Sections 302 and 307 of the Indian Penal Code, 1860 and therefore, stringent conditions are required to be imposed.

9. In view thereof, the following order is passed:

ORDER

(a) In the event of arrest of the Applicant- Sanjay Mhase Patil in connection with C.R. No.178 of 2025 registered with Neral Police Station, District Raigad,

the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.1,00,000/- with one or two solvent sureties in the like amount.

- (b) The Applicant shall attend the concerned Police Station on every Sunday between 11:00 a.m. to 01:00 p.m..
- (c) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicant shall not leave India without prior permission of the Court.

10. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]