

AGK

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

ANTICIPATORY BAIL APPLICATION NO.2633 OF 2025

Shyamsundar Radhyesham Agarwal,
Age 60 years, Occupation Business,
R/at: 3/18, Ram Mandir Road,
Bhayander (West), District Thane 401 101

... Applicant

V/s.

State of Maharashtra,
through the Government Pleader's
Office, PWD Building, High Court,
Bombay

... Respondents

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WITH

INTERIM APPLICATION NO. 3650 OF 2025

Balwant Kashinath Patil,
Age 58 years, Occupation ____
R/at Krishna Bhavan, Near Gaondevi
Mandir, Navghar, Bhayandar (East), Thane

... Applicant

In the matter between

Shyamsundar Radhyesham Agarwal,
Age 60 years, Occupation Business,
R/at: 3/18, Ram Mandir Road,
Bhayander (West), District Thane 401 101

... Applicant

V/s.

State of Maharashtra,
through the Government Pleader's
Office, PWD Building, High Court,
Bombay

... Respondents

Mr. Mihir Desai, Senior Advocate with Mr. Pavan Patil, Mr. Prithviraj Gole, Mr. Soham Badole, and Mr. Siddhesh Pednekar for the applicant.

Mrs. Mahalakshmi Ganapathy, APP for the respondent-State.

Mr. Aabad Ponda with Mr. Karan Jain i/by Mr. Faizal Shaikh for the intervener/applicant in IA.

CORAM : AMIT BORKAR, J.

RESERVED ON : NOVEMBER 18, 2025

PRONOUNCED ON : NOVEMBER 25, 2025

JUDGMENT:

1. The applicant, who is arrayed as accused No. 3, has moved this application seeking pre-arrest protection under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The relief is sought in connection with Crime Register No. 559 of 2025 registered at Thane Nagar Police Station for offences under Sections 420, 467, 468, 471, 120B and 34 of the Indian Penal Code, 1860. The FIR is lodged by one Balwant Kashinath Patil.

2. The complainant filed a report under Section 173 of the Bharatiya Nagarik Suraksha Sanhita against the present applicant. His case is that his family depends on cultivation of ancestral land situated at Mouje Navghar, Bhayandar, Thane. The land bears old Survey No. 280 and new Survey No. 91. It admeasures 18,490 square meters and was recorded in 1948 as protected tenancy of his great-grandfather, Vitthal Shinwar Patil.

3. The complainant narrates that Vitthal left behind five heirs. They were Ganeswar Vitthal Patil, Krishnabai Kashinath Patil, Mathurabai Jayaram Gharat, Bhagyabai Mukund Gawde and Bayabai Kakaji Bhoir. Their names were entered as protected tenants after Vitthal's demise. Upon their deaths, the names of their heirs were mutated. It is alleged that several heirs executed a Power of Attorney dated 10 September 2003 in favour of Harshad Dinanath Gawde and Dinanath Sadashiv Gawde. The document was not registered. It is alleged to have authorized the attorneys to sell the land, decide the price, manage revenue affairs and obtain necessary permissions with the consent of heirs who were unable to regularly visit government offices.

4. The complainant states that the understanding among the heirs was clear. Any sale proceeds were to be shared by all heirs. Any final document was to bear signatures of all heirs. His mother, Smt. Krishnabai Kashinath Patil, passed away on 1 October 2021.

5. The complainant states that when he checked the 7/12 extract of new Survey No. 91 on the online portal to enter his name as heir of Krishnabai, he found the names of Shubham Murlidhar Agrawal and Sharad Murlidhar Agrawal. He asserts that no sale was ever carried out by the family. No heir received any consideration. He approached the District Collector, Thane, and obtained documents including a permission letter dated 10 September 2011 issued by the Sub-Divisional Officer. He also obtained pleadings from Special Civil Suit No. 481 of 2011. He alleges that the compromise in that suit was recorded without signatures of any heirs and without service of summons.

6. The complainant further states that under the Right to Information Act, he secured a copy of a Deed of Conveyance dated 14 November 2008. The document shows TNN No. 4 and Doc. No. 9727 of 2008. He alleges that the applicant falsely represented himself as Power of Attorney holder and sold the property to his nephews, Shubham and Sharad Agrawal, for Rs. 80 lakhs. He alleges erasures on page 10 of the document. He alleges that the 7/12 extract was replaced with one pertaining to Godev village. The entry under Section 43 relating to tenant rights was removed. He alleges that the name of the Attorney was altered by substituting the name of Shamsundar Agrawal in place of Dinanath Sadashiv Gawde. He states that the interior pages still mentioned the original Power of Attorney holders. He also alleges that the Sub-Registrar wrongly attached Godev's 8/12.

7. The complainant refers to a confirming document dated 15 September 2011 bearing Doc. No. 7281 of 2011. It was executed by Dinanath and Harshad Gawde in favour of Shubham and Sharad Agrawal. It purports to confirm the 2008 deed without any consideration. He alleges that Mutation Entry No. 1282 was wrongly altered to show that payment was made to the Power of Attorney holders. He alleges that the confirming parties acted beyond the authority granted under the 2003 Power of Attorney. He states that only the heirs of deceased Dhaneshwar Vitthal Patil could have confirmed the transaction. This was not done. He also states that Shamsundar Agrawal, who was shown as purchaser, filed the mutation application himself.

8. The complainant points out that permission of the Government to sell the land was obtained only later. Permission letter dated 10 September 2011 was issued in favour of the heirs, the Power of Attorney holder and the purchasers. This was on an application dated 19 September 2009. He alleges that before obtaining such permission, Shamsundar Agrawal prepared a false Power of Attorney, deleted the name of Dinanath, substituted his own name and executed the conveyance on 14 November 2008 showing sale for Rs. 80 lakhs. He alleges that the annexures included 7/12 extract of Godev village and the entry under tenant law was deleted. He states that the deed was executed without consent of heirs and without distribution of sale proceeds. He alleges that the deed was executed knowing well that prior permission was mandatory. He states that only thereafter was an application made in 2009 and permission granted in 2011.

9. The complainant reiterates that between 14 November 2008 and 15 September 2011, accused persons, including Dinanath, Harshad, Shamsundar and the Agrawal brothers, acted in collusion. He states that they took steps to usurp the protected tenancy land bearing old Survey No. 280 and new Survey No. 91. He states that though the heirs stood recorded on the 7/12 extract, the accused misused the Power of Attorney dated 10 September 2003, altered it and inserted the name of Shamsundar. He alleges that knowing that prior permission was mandatory, they executed a sale deed without such permission, annexed documents of Godev village and removed the tenant law entry. He states that only later they applied for permission and obtained it. He alleges that by

fraud and misrepresentation they deprived the heirs of their property and misled the Government. On these allegations the FIR came to be lodged.

10. The applicant, apprehending arrest, moved an application under Section 483 before the Sessions Judge. The Sessions Court rejected the application by order dated 29 September 2025. The applicant has therefore approached this Court seeking anticipatory bail.

11. Mr. Desai, learned Senior Advocate for the applicant, submitted that the transactions referred to in the FIR pertain to the period between 2003 and 2011. All these transactions were registered. They were acted upon. They were confirmed in several civil proceedings. The FIR has been filed in 2025, almost 12 to 15 years later, and even after the informant's alleged adoptive mother passed away in 2021. He submitted that the FIR is an attempt to unsettle a chain of title which stood concluded long ago and which was acknowledged by the complainant's own predecessor in two civil suits. He submitted that all legal representatives executed registered agreement for sale and a registered power of attorney in 2003. Full consideration was paid. A registered conveyance was executed in 2008. A registered rectification deed followed in 2011. Permission under Section 43 of the Bombay Tenancy and Agricultural Lands Act was duly granted by the Sub Divisional Officer. In 2014, Suit No. 234 of 2012 was settled, which related to these very instruments. In 2023, multiple confirming deeds were executed. Therefore, according to him, the informant cannot now plead ignorance or allege fraud regarding documents executed in

2008 and 2011.

12. He submitted that Annexure II, which is the 7/12 extract annexed with the conveyance, does not contain the entry under Section 43 of the BTAL Act. According to him, this is a clerical mistake. He submitted that it does not affect the legality of the registered conveyance. The conveyance contains the correct description, certificate number and recitals relating to the Navghar land. Permission granted in 2011 by the competent authority was for the Navghar property after due inquiry.

13. He submitted that the plea that the heirs were unaware of the alleged forgery cannot stand. The heirs were represented by advocates in all proceedings. Most of them have executed registered confirming deeds thereafter.

14. Referring to the 7/12 extract annexed to the conveyance, he submitted that the mistake stood corrected by a registered rectification deed in 2011. The informant claims to be the adopted son of deceased Krishnabai. The informant was himself a witness to the power of attorney and the agreement for sale of 2003. He submitted that deceased Krishnabai was fully aware of the execution of these documents and the subsequent conveyance and rectification deed. He submitted that this fact is recorded in proceedings of Special Civil Suit No. 286 of 2017.

15. Referring to the power of attorney executed in 2003, he submitted that the document is entirely typed. There are no alterations or insertions. The conveyance was executed in 2008. He submitted that in Suit No. 286 of 2017 filed by another branch

of the family concerning the same land, the issues now raised in the FIR were also raised. In that suit, deceased Krishnabai was defendant No. 12. She was served by bailiff and was fully aware of the conveyance.

16. He submitted that Krishnabai passed away on 1 October 2021. She did not raise any objection to the power of attorney or to the conveyance during her lifetime. The informant alone has filed the FIR. His claim of adoption is not proved.

17. Referring to the 2008 conveyance, he submitted that on 18 October 2008 the applicant applied for permission under Section 43 of the BTAL Act. On 14 November 2008, the conveyance was executed. The wrong 7/12 extract was annexed. On 18 February 2009, one branch of the family raised objections to the application under Section 43. On 27 February 2009, the Circle Officer submitted his report. On 2 March 2009, a public notice was issued by the applicant. On 10 September 2011, the Sub Divisional Officer allowed the application under Section 43 and recorded Shubham and Sharad Agrawal as purchasers. He submitted that on 15 September 2011, the rectification deed was registered and the correct 7/12 extract and permission were annexed. He submitted that the conveyance of 2008 and the 7/12 extract have been part of the public record since 2008.

18. He submitted that though 35 antecedents are shown against the applicant, in three cases he has been acquitted. In six cases, FIRs have been quashed by this Court. In two cases, he has been discharged. In eight cases, the prosecution has filed summary

reports. In eight other cases, the applicant's business partner, who is arrested under MCOCA, has filed cases against him. He submitted that in most matters the applicant has been protected either by interim orders of the Sessions Court or of this Court.

19. He submitted that after this Court granted protection, the applicant cooperated with the investigation. He has produced either original documents or their photocopies. Co accused purchasers from 2008 onwards have already been granted bail. He submitted that the applicant also deserves protection.

20. In reply, Ms. Ganapathy, learned APP, submitted that the offences alleged are grave. She submitted that the applicant, along with the co accused, entered into a conspiracy and prepared forged documents. According to her, bogus 7/12 extracts and fabricated powers of attorney were used by the applicant and on that basis the disputed land was illegally taken over. She submitted that two co accused, who are nephews of the applicant, have been arrested. During custodial interrogation they have stated that the applicant prepared and used forged documents. She submitted that the investigation regarding the forged documents is still in progress. She pointed out that the applicant has several criminal antecedents. She therefore urged that the application be rejected.

21. Mr. Ponda, learned Senior Advocate for the informant, invited my attention to the statement of the Tahsildar recorded during investigation. The Tahsildar has stated that the 7/12 extract annexed to the 2008 conveyance does not contain the entry regarding the requirement of permission under Section 43 of the

BTAL Act. According to him, the 7/12 extract is forged. He stated that the extract annexed pertains to Goddeo village whereas it ought to have been of Navghar. He submitted that though permission for sale was applied for in 2009, the conveyance refers to a permission said to be dated 14 November 2008. He submitted that deceased Krishnabai did not receive the amount of Rs. 40,000 mentioned in the agreement for sale dated 10 September 2003. He submitted that her proportionate share as on 17 September 2003 was shown as having increased almost twenty four times within a period of seventeen days. According to him, this demonstrates that the amount shown as paid under the agreement for sale was disproportionately low.

22. Referring to the power of attorney dated 10 September 2003, he submitted that it was executed in favour of Dinanath and Harshad Gawde, who are accused Nos. 1 and 2. They were to complete all government formalities relating to the tenancy rights of deceased Krishnabai. He submitted that on the same day the applicant claims that deceased Krishnabai executed another power of attorney in favour of Harshad Gawde and the applicant. According to him, this document is forged because the pages show alteration in the name of Shyamsundar at the beginning of the document. He further submitted that entries 1 to 10 in the agreement for sale dated 27 September 2003 show that payments were made by the applicant to the Gawdes in 2002. However, the alleged transfer documents between deceased Krishnabai and the Gawdes are dated 10 September 2003. He submitted that it was not possible for the applicant to anticipate a year in advance that

the Gawdes would enter into a transaction on 10 September 2003. He pointed out that entry at serial No. 15 shows cash paid on 20 September 2003.

23. He submitted that this is a serious case involving creation and use of forged documents. The forged documents have not yet been recovered. He submitted that the applicant has used such documents at several stages.

24. He submitted that this is a case of land grabbing. He stated that the transfers are suspicious. He relied on Mutation Entry No. 1282 which shows that the Gawdes received Rs. 80 lakh on behalf of deceased Krishnabai and other protected tenants from Sharad and Shubham Agrawal. However, the recital in the conveyance dated 14 November 2008 shows that the applicant received Rs. 80 lakh from the same purchasers.

25. Referring to the 7/12 extract and Index II of the conveyance of 2008, he submitted that the property conveyed was at Navghar. He submitted that by using whitener on the entry relating to protected tenancy, the applicant and co accused altered the village name from Navghar to Goddeo while executing the registered conveyance dated 14 November 2008.

26. He submitted that the permission dated 10 September 2011 was obtained on a declaration made on behalf of one Dhaneshwar Patil, who had passed away on 30 May 2008. Based on this declaration, Sharad and Shubham were shown as entitled to purchase the land. He relied on the judgment of the Supreme Court in *Pratibha Manchanda and another versus State of Haryana*

and another, reported in (2023) 8 SCC 181. He submitted that in cases involving land grabbing the Supreme Court has held that anticipatory bail should not be granted. He submitted that the Supreme Court has held that delay in filing the FIR is not material when the forgeries are evident and when the complainant had no prior knowledge of collusive civil proceedings and successive transactions.

27. He submitted that the applicant gave a false address of the protected tenant in Special Civil Suit No. 481 of 2011 and executed the rectification deed dated 15 September 2011 without the knowledge of the protected tenant. He submitted that the consent terms executed on 26 September 2011 were fraudulent.

28. He submitted that the applicant has suppressed criminal antecedents by stating only that multiple cases have been filed by his former business partner. He did not disclose the number of cases, which are in fact as many as 42 including the present FIR. He submitted that only seven cases are filed by the former partner. The remaining cases are filed by government officials, business associates and farmers whose lands were allegedly grabbed by the applicant. He submitted that the applicant disclosed 35 cases only after conclusion of arguments and filed a separate compilation. He therefore sought rejection of the anticipatory bail application.

29. In rejoinder, Mr. Desai, learned Senior Advocate, submitted that in *Pratibha Manchanda* the general power of attorney said to be forged was never produced by the accused till 2022. Therefore, the Supreme Court held that delay was not material in that case.

He submitted that the facts of the present case are different. He submitted that the applicant has cooperated with the investigation after interim protection was granted. He therefore prayed for continuation of interim relief.

30. The short questions for determination in this application are these. First, whether the FIR suffers from such delay or laches as to render the prosecution suspect and make a case for pre-arrest protection. Second, whether the material on record discloses a prima facie case of serious forgery and collusion which disentitles the applicant to anticipatory bail. Third, if anticipatory bail is granted, what conditions would adequately protect the investigation and public interest.

31. Anticipatory bail is a jurisdiction of exception. The court must exercise it with circumspection. The law recognises that personal liberty is a cherished right. A person should not lose that liberty only because someone has made allegations after many years or on the basis of suspicion. At the same time, the court cannot ignore that some offences affect the purity of public records and the confidence people place in the system. If there are allegations that public documents were tampered with or false documents were used, the court must examine the material placed before it with proper caution.

32. The court has to maintain a fair balance. On one side is the duty to protect the liberty of a citizen and prevent unnecessary arrest. On the other side is the need to assist a proper and fair investigation. If there is material to show that the accused may

influence witnesses, destroy important documents or otherwise interfere with the investigation, the court will be slow in granting anticipatory bail. The court, therefore, has to consider many factors. It must see how serious the offences are. It must see the conduct of the accused and his past record of dealing with the law. It must see what role is attributed to him, whether the FIR was filed promptly or after a long delay, and if there is delay, whether it is explained. The stage of investigation is also important and whether the police have shown that custodial interrogation is truly needed. The court must also look at the civil record. If registered documents, rectification deeds and civil court orders have existed for years without objection, these are relevant and cannot be ignored.

33. At the same time, the court cannot permit a party to hide behind civil proceedings if the material shows that public records were altered or false documents were created. Such allegations are serious. Yet, when there is long delay in filing the FIR and when civil proceedings have settled the issue for many years, the court must be slow to permit a criminal case to be revived without strong reasons. The court must take a practical view. It must examine whether the investigation can continue without arrest and whether conditions can be imposed to ensure that the accused does not obstruct the investigation.

34. The approach, therefore, has to be balanced and reasonable. The court must protect the investigation and ensure that it proceeds properly. At the same time it must safeguard personal liberty and ensure that a person is not arrested merely because old

and stale allegations have been levelled after many years.

35. The record placed before the Court reveals that the chain of transactions now questioned by the prosecution is not of recent origin. The earliest documents date back to the year 2003. The conveyance deed was executed on 14 November 2008. A rectification deed followed on 15 September 2011. Both are registered instruments. Their execution, registration and continued subsistence on public record for more than a decade are matters of significance. They show that the transactions were neither concealed nor kept away from public scrutiny. They stood open to examination by any person claiming an interest in the property.

36. The material further shows that the competent authority, namely the Sub Divisional Officer, granted permission under the tenant law after conducting an inquiry on 10 September 2011. The grant of such permission is not mechanical. It involves scrutiny of the claim, examination of revenue entries, and verification of the identity and status of the persons concerned. The authority's order, therefore, carries a presumption of regularity unless dislodged by cogent material.

37. The civil record also reflects that disputes concerning the same property travelled before civil courts. Settlements were recorded. Confirming deeds were executed between parties. These events indicate that persons entitled to raise objections did participate in the process, acknowledged the transactions, and took steps consistent with their validity. Civil adjudication does not foreclose criminal prosecution where forgery is later detected. Yet

the existence of civil proceedings and registered deeds for a long period is a relevant circumstance in assessing whether the lodging of the FIR after many years is a bona fide step or a reaction arising from later disputes within the family.

38. The delay in lodging the FIR is substantial. A period of twelve to fifteen years has elapsed from the time of the impugned transactions. Such delay is not a mere technicality. It affects the reliability of the accusation. It raises a serious question whether the grievance is genuine or whether the FIR has been invoked as an instrument to unsettle a chain of title that stood admitted and acted upon over the years. The Court must approach such delayed allegations with caution. Unless the complainant shows circumstances explaining why the wrongdoing could not have been discovered earlier despite the transactions being on public record, the delay militates in favour of the accused.

39. The combined effect of registration of instruments, grant of statutory permission after inquiry, civil settlements, and prolonged inaction on the part of the heirs creates a presumption that the transactions had attained finality in the ordinary course of affairs. It is in this backdrop that the delay of more than a decade assumes importance. It casts a shadow of doubt over the bona fides of the prosecution's version and weighs in favour of the applicant at the stage of considering anticipatory bail.

40. The statement of the Tahsildar, as brought on record by the prosecution, raises an issue of some gravity. A 7/12 extract is not a casual document. It is a revenue record of statutory character. Any

alteration, substitution or fabrication of such a record strikes at the heart of the administration of land law. If it is ultimately established that an extract pertaining to one village was annexed in place of another, or that mandatory entries were removed or suppressed, the offence would be serious. Such conduct, if proved, would amount to tampering with public records and misleading statutory authorities.

41. The prosecution also relies on statements said to have been made by two nephews during custodial interrogation implicating the applicant. Such statements cannot be treated as conclusive at this stage. They do not constitute substantive evidence. They form part of the investigative process and will have to withstand the test of relevance and admissibility in accordance with law. It is well settled that custodial statements must be approached with circumspection. They cannot by themselves be the foundation for denial of liberty unless supported by independent material.

42. The prosecution asserts that the investigation is still in progress. According to the investigating agency, certain documents alleged to be forged have not yet been recovered. The investigation may, therefore, require further steps for tracing the original records, comparing them with revenue entries and verifying the chain of custody of those documents. These are legitimate requirements of investigation. The Court cannot ignore them. At the same time, the Court must ensure that the need for further probe does not become a ground for unnecessary curtailment of liberty, unless there is material to show that custodial interrogation of the applicant is indispensable.

43. The stage of investigation is an important consideration. If relevant documents are yet to be seized, or if the investigating agency must confront various parties with each other's statements, some latitude must be granted to ensure that the investigation runs its course. These factors do weigh in favour of the prosecution's plea that the Court should proceed with care. They remind the Court that while delay and civil proceedings may favour the applicant, the seriousness of the allegations and the need for unhampered investigation cannot be brushed aside.

44. The delay that marks the present prosecution is not a matter of minor relevance. It goes to the root of the matter. The transactions now questioned were not hidden or surreptitious. They formed part of the public record by virtue of registration. They were followed by a rectification deed which was also registered. They were thereafter examined by the competent authority which granted permission under the tenant law after holding an inquiry. Each of these acts created a trail that was open, ascertainable and verifiable by any interested person.

45. When transactions stand on the public record in this manner, any person who claims an interest in the property is expected, in the ordinary course of human conduct, to raise objection within a reasonable time. Here, the civil record shows that disputes relating to the same land did reach the civil courts. Parties entered into settlements. Confirming deeds were executed. These developments indicate that civil remedies were not only available but were actively pursued. There was, therefore, no legal or practical impediment preventing the complainant or his predecessors from

questioning the transactions.

46. The presence of successive civil suits, compromises and confirming deeds bears directly on the bona fides of the criminal case. When civil courts have dealt with the subject matter and when the parties themselves have relied on those very documents in civil proceedings, a sudden invocation of criminal law after long silence assumes a different colour. It suggests that the criminal law has been set in motion not because new facts have emerged, but because the underlying civil disputes have taken an unfavourable turn for one side.

47. The Court must take a realistic and informed view. Criminal law cannot be used to unsettle transactions that have stood acknowledged, acted upon and affirmed over years unless there is compelling and immediate material showing deliberate fraud not discoverable earlier. On the present record, such immediacy is absent. The delay of more than a decade, coupled with the existence of registered documents, rectification deeds, statutory permissions and civil settlements, tilts the balance in favour of protecting liberty.

48. This does not mean that allegations of forgery should be dismissed at the threshold. They must be examined with care in the course of investigation. But the long lapse of time weakens the claim of imminent necessity for custodial interrogation. It strengthens the argument that the investigation can proceed without curtailing liberty, provided conditions are imposed to secure attendance, ensure cooperation and maintain purity of

investigation.

49. In such circumstances, the cumulative effect of delay and settled public records requires the Court to lean in favour of granting protection. Liberty can be preserved, while the interests of investigation can be safeguarded by strict and enforceable conditions. This balanced approach accords with the settled principles that guide the exercise of discretion in applications for anticipatory bail.

50. The judgment of the Supreme Court in *Pratibha Manchanda* requires careful consideration. The Supreme Court therein emphasised that where allegations disclose clear and patent acts of forgery involving public documents and where the very foundation of title rests upon such fabricated instruments, the delay in lodging the FIR cannot by itself operate as a shield for the accused. The Court held that when collusive civil proceedings and clandestine transactions have taken place without the complainant's knowledge, the lapse of time pales into insignificance. In such cases, the gravity of the offence and the continuing impact of the forgery on public records outweigh the factor of delay.

51. It is necessary to notice that the Supreme Court's observations were founded on peculiar facts. The forged general power of attorney, which formed the fulcrum of the fraudulent transaction, never surfaced before any authority or court for nearly two decades. It was never produced by the accused at any stage. The complainant had no means to discover its existence until late, and the chain of transactions had been engineered behind the

complainant's back. In that background the Court refused anticipatory bail, holding that the delay was not fatal.

52. Applying the principle to the present case, the Court must examine whether the factual foundation here stands on the same footing. The record before me shows that the instruments complained of are not hidden documents. The conveyance deed of 2008 and rectification deed of 2011 are registered instruments. They have been part of the public domain for years. The permission under Section 43 of the tenant law was granted after an inquiry by the Sub Divisional Officer. Civil suits were instituted by branches of the same family. Settlements were recorded. Confirming deeds were executed. These events show that the transactions were neither clandestine nor inaccessible to the complainant's predecessors.

53. The ratio of *Pratibha Manchanda* does not lay down an absolute rule excluding delay as a relevant factor. It holds that delay must be assessed in the context of the complainant's knowledge and the nature of the alleged forgery. In cases where the documents are concealed, where the forgery is embedded in instruments never placed on public record, and where the complainant had no means to discover the fraud earlier, delay ceases to carry weight. However, where the documents are registered, acted upon and form part of public record for long years, the principle operates differently.

54. In the present matter, the delay of twelve to fifteen years stands unexplained. The transactions were visible. The civil record

demonstrates that the family invoked civil remedies and engaged with the documents. The complainant has not placed material to show that despite ordinary diligence the wrongdoing could not have been discovered earlier. In such circumstances the principle of *Pratibha Manchanda* does not divest the factor of delay of its significance. Instead, delay remains a relevant and weighty consideration in favour of the applicant.

55. At the same time, the Supreme Court's emphasis on the gravity of forgery involving public documents is fully applicable. The allegations regarding mismatched 7/12 extracts, possible tampering with revenue entries, and substitution of village records, if ultimately established, would constitute serious criminality requiring thorough investigation. The Court must therefore ensure that while liberty is protected, investigation is not stifled.

56. The correct approach, consistent with the binding law and mindful of factual distinctions, is to harmonise both principles. The delay and the long-standing public record weigh in favour of granting anticipatory bail. The seriousness of allegations and the need for effective investigation require the imposition of stringent conditions. This balanced method preserves the essence of the rule laid down in *Pratibha Manchanda* while applying it in a manner consistent with the facts at hand.

57. Thus, the judgment strengthens the need for caution but does not mandate denial of anticipatory bail where the documents are long registered, publicly accessible and repeatedly acted upon. The present matter, upon its own facts, justifies protection with

safeguards rather than incarceration at the threshold.

58. The prosecution asserts that the investigation is still in progress and that certain documents, alleged to be forged, are yet to be traced. This submission requires careful consideration. The law does not treat custodial interrogation as a matter of routine. It is justified only when the investigating agency is able to show that such custody is necessary for eliciting information which cannot reasonably be secured by any other method.

59. The Court must, therefore, scrutinise the record to see whether the need for custody has been demonstrated. The material placed before this Court shows that the applicant has appeared before the investigating officer on several occasions. He has produced documents in his possession. The prosecution does not dispute that purchasers and others connected with the transaction have already been interrogated. Some among them have been arrested and subsequently released on bail. This indicates that the investigation has progressed considerably without requiring the custodial interrogation of the applicant.

60. The prosecution has not placed any material to show that a specific recovery hinges exclusively upon the custodial presence of the applicant. No document has been identified as lying undiscoverable unless the applicant is taken into custody. No circumstance has been pointed out which suggests that the applicant, if left at liberty subject to strict conditions, would obstruct the process of investigation. The Court must bear in mind that the object of custodial interrogation is not punitive. Its object

is only to facilitate investigation when such custody is shown to be indispensable.

61. The Court cannot deprive a person of liberty on the mere assertion that investigation is ongoing. Investigation often proceeds in stages. It may require verification of documents, examination of witnesses, or comparison of revenue entries. Such tasks do not, by themselves, require the physical custody of the accused. The law demands a more concrete foundation before liberty is curtailed. In the absence of material demonstrating that the applicant's custodial interrogation is essential, it would not be just to deny him protection.

62. A balanced approach must prevail. Liberty is not to be withdrawn mechanically. At the same time, the interests of investigation must be safeguarded. These interests can be secured by imposing conditions that ensure the applicant's availability to the investigating agency, restrain him from tampering with evidence, and prevent him from influencing witnesses. When such non-custodial measures can achieve the objective, the Court is not justified in placing the applicant in custody.

63. The material placed before the Court shows that the applicant has a chequered history with the law. Several cases stand registered against him. Such antecedents cannot be brushed aside. They call for a careful and informed approach. At the same time, the mere volume of cases cannot be taken as a decisive factor for refusing anticipatory bail. The Court must undertake a qualitative assessment. It must examine the nature of the antecedents, the

outcome of those proceedings and whether they indicate a pattern relevant to the present accusation.

64. The record shows that in some matters the applicant has been acquitted. In several others, FIRs have been quashed by this Court. In a few cases, summary reports have been submitted. These outcomes show that antecedents, though numerous, do not by themselves establish that the applicant is inclined to evade the process of law or that he habitually obstructs investigation. The Court must distinguish between antecedents that are live and pressing, and those that have become spent or inconsequential with the passage of time or by reason of judicial determination.

65. The true test is whether, in the facts of the present case, the antecedents create a real and immediate risk that the applicant will misuse liberty. The Court must consider whether he is in a position to influence the investigation, tamper with documentary evidence or suborn witnesses. The applicant has, according to the material placed on record, appeared before the investigating agency and produced documents. His cooperation, though not conclusive, is a relevant circumstance showing that he has not evaded the process.

66. It is also not in dispute that the co accused purchasers, who are alleged to have been part of the chain of transactions, have already been released on bail. This fact reduces the likelihood that the applicant alone requires custodial interrogation for unravelling the transactions. When similarly placed co-accused have been granted liberty, the Court must consider whether parity and

fairness warrant protection to the applicant as well.

67. Yet, the antecedents cannot be ignored altogether. They call for vigilance. They warrant safeguards to ensure that liberty does not result in prejudice to the investigation. The balance can be maintained by imposing conditions which restrict the applicant's movements, ensure his availability to the investigating agency, and prevent any attempt to interfere with the witnesses or documentary material.

68. The Court, therefore, proceeds on a balanced understanding. Antecedents are a relevant factor, but they do not operate as an absolute bar. They require the Court to impose suitable protective conditions rather than to reject the application outright.

69. Therefore, while recognising that the investigation must proceed to its logical end, the Court finds no material to hold that custodial interrogation of this applicant is indispensable. The ends of justice can be served by granting protection subject to stringent conditions, thereby preserving both personal liberty and the integrity of the investigation.

70. Having considered the rival submissions I am satisfied that the applicant should be granted protection from arrest subject to conditions which adequately protect the investigation and the public interest.

(i) In the event of arrest of the applicant in connection with Crime Register No. 559 of 2025 registered at Thane Nagar Police Station for offences under Sections 420, 467, 468, 471, 120B and 34 of the Indian Penal Code, 1860, the

applicant shall be released on bail on their furnishing a personal bond in the sum of Rs.50,000 with two local sureties of Rs.50,000 to the satisfaction of the trial court concerned.

(ii) The applicant shall immediately furnish his true and permanent residential address and shall not change his residence without prior written permission of the trial court.

(iii) The applicant shall cooperate with the investigating agency. He shall make himself available for questioning as and when called. He shall produce all documents, records and originals in his possession which relate to the transactions in question and which have not yet been produced to the investigation.

(iv) The applicant shall not, directly or indirectly, induce, threaten or attempt to influence any witness, co-accused or person acquainted with the facts of the case. He shall not contact by any means the persons named in the FIR except through lawful process.

(v) The applicant shall not tamper with, destroy or dispose of any document or property connected with the investigation.

(vi) The applicant shall not leave the jurisdiction of the trial court including traveling abroad, without prior written permission of trial court.

(vii) The applicant shall report to the investigating officer once a week (Every Monday) until the completion of the investigation. If the investigating officer requires more frequent reporting the same shall be communicated with reasonable notice. Reporting shall be at the police station or at such place as the Investigating Officer may direct.

(viii) The applicant shall produce his passport, if any, before the investigating officer within seven days from today. The IO shall file an endorsement of receipt of the passport before the trial court.

71. The investigating agency shall complete the investigation as expeditiously as possible.

72. Nothing in this order shall be construed to affect the civil rights of the parties. The civil courts shall proceed untrammelled by this criminal proceeding and the parties shall remain at liberty to prosecute their civil remedies.

73. The interim application stands disposed of in above terms.

(AMIT BORKAR, J.)