



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.343 OF 2025

(Nilesh Shamrao Rathod Vs. State of Maharashtra)

AND

CRIMINAL APPLICATION (ABA) NO.382 OF 2025

(Shiva @ Akash Pruthviraj Tiwari Vs. State of Maharashtra)

AND

CRIMINAL APPLICATION (ABA) NO.346 OF 2025

(Amjadkhan Azadkhan Pathan Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. I. Deshmukh, Advocate for the applicant in ABA No.343/2025 and ABA No.346/2025

Mr. R.M. Daga, Advocate for the applicant in ABA No.382/2025

Mr. M.J. Khan, APP for the State.

Mr. H. Chawhan, Advocate a/w Mr. P.S. Chawhan, Advocate for the Intevenor.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JULY 24, 2025.

Apprehending the arrest at the hands of Police in connection with Crime No.233/2025 registered with Police Station Yavatmal, District Yavatmal for the offences punishable under Sections 3(5), 340(2), 336(3), 336(2) and 318(4) of the Bharatiya Nyaya Sanhita, 2023, the applicants approached to this Court for grant of pre arrest bail.

2. The crime is registered on the basis of report lodged by the informant Pritesh @ Lucky Dinesh Jaiswal on an allegation that one Anup Mahesh Jaiswal who being the brother-in-law was having his agricultural property at Mouza Waki (Parwa) Tq. and Dist. Yavatmal, having Gat

No.52/1, admeasuring 8.49 HR. The said agricultural land is owned and possessed by his brother-in-law namely Anup Jaiswal. On 27.01.2025 his brother-in-law and Rakesh Dipak Yadav came to be arrested in Crime No.107/2025 registered at Police Station Yavatmal City. It further alleged that accused Nos.1 to 5 conspired together and prepared forged documents and executed the sale-deed at Sub Registrar Office No.2, Yavatmal. The accused Karan Dhawane and Nitesh Chakre who stood as attesting witnesses while executing the said bogus sale-deed. The accused No.4 being the Sub-Registrar Office No.2, Yavatmal also assisted and aided and participated in preparing the forged sale-deed and registered the same. It is further alleged that he procured the copy from the concerned Sub-Registrar office of the said alleged sale-deed, and therefore, it was found that the accused Nos.1 to 5 mentioned in First Information Report, by hatching conspiracy prepared forged document in order to cheat and to cause wrongful loss to his brother-in-law. On the basis of the said report, police have registered the crime against the present applicants and the other co-accused.

3. Mr. Daga, learned Counsel for the applicant in Criminal Application (ABA) No.382/2025 submitted that as far as present applicant is concerned who was initially released on ad-interim anticipatory bail and he has cooperated with the investigating agency. He invited my

attention towards the charge-sheet and submitted that even assuming the allegation as it is, only role attributed to the present applicant in the charge-sheet is that he has asked the other co-accused to bring the witnesses for executing the said sale-deed. Besides that there is no other allegation against the present applicant. He submitted that as far as the custodial interrogation is concerned which is not required as this Court has already observed that he has cooperated with the investigating agency. In view of that, he be released on bail.

4. Mr. Deshmukh, learned Counsel for the applicants in Criminal Application (ABA) Nos.343/2025 and 346/2025 submitted that as far as these applicants are concerned there is absolutely no material to connect them with the alleged offence. There are no statements of the witnesses or any circumstance brought on record to show their involvement in the alleged offence. In view of that, their custodial interrogation is not required, and therefore, they be released bail. He has also invited my attention towards the statement of the wife of the said Anup Jaiswal and submitted that even the statement nowhere discloses the role of the present applicants.

5. Learned APP strongly opposed the applications and submitted that by hatching the conspiracy as the applicants were knowing about the agricultural land of said Anup Jaiswal, they have prepared

the forged Adhar Card and forged Pan Card of the said Anup Jaiswal and got executed the sale-deed. This fact reveals during the investigation of another crime which was registered under the NDPS Act. He has invited my attention towards various statements of the witnesses and especially the statement of the informant Pritesh @ Lucky Dinesh Jaiswal and submitted that the involvement of all the applicants revealed. Considering the nature of the crime, still investigation is to be carried out by taking them into the custody, and therefore, all the applications deserve to be rejected.

6. Learned Counsel for the complainant also endorsed the same contentions.

7. On hearing both the sides and on perusal of the investigation papers it reveals that during investigation it revealed to the investigating agency that one of the witness who signed on the said sale-deed Akshay Dake has prepared the said forged documents on his laptop. It further reveals that the applicant - Shiva Tiwari was the mastermind behind the said crime. There are similar type of the offences registered against him. It further reveals that they have obtained the documents by hatching the conspiracy with the other co-accused Sachin Raut thereafter approached to the Revenue Officer to mutate the name of the purchaser. The statement of Rajani Rameshrao Mendarkar who is serving in a Registrar

office has also stated that the co-accused Sachin Raut and Rakesh Yadav approached to her office to mutate the names of the purchaser as a owner of the said property. It further reveals that there was communication between all the applicants which reveals from the CDR report. Thus, as far as the involvement of the present applicants reveals not only from the statements of the witnesses but from the CDR report as well as the statement of the Revenue Officer. At this stage, there is sufficient material to connect the present applicants with the alleged offence. Considering the nature of the offence and the manner in which the offence is committed admittedly, their custodial interrogation is required for the purpose of interrogation, and therefore, all the applications deserve to be rejected.

8. Hence, all the applications are rejected accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*