



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) NO. 596 OF 2025

(Karimullah Khan Haji Hafizullah Khan

Vs.

State of Maharashtra, Thr. PSO PS Wathoda, District Nagpur)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. M.R. Ali, Advocate for the Applicant.
Ms. Trupti Udeshi, APP for the Non-applicant/State.
Mr. S.S. Sitani, Advocate to assist the prosecution.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 25th AUGUST, 2025

CRIMINAL APPLICATION (APPP) NO. OF 2025

1. The Application is filed by the original Complainant to engage the Counsel to assist the prosecution. For the reasons mentioned in the Application, the same is **allowed**.

CRIMINAL APPLICATION (ABA) NO. 596 OF 2025

1. Apprehending the arrest at the hands of Police in connection with Crime No.162/2025 registered with Police Station Wathoda, Nagpur City for the offence punishable under Sections 420, 468, 471 read with Section 34 of the Indian Penal Code, the Applicant approached to this Court for grant of pre arrest bail.

2. The crime is registered on the basis of the report lodged by Mohammad Shami Alam Tahir Hussain who is engaged in a private work. In the year 2010, the Informant purchased plot No.16 admeasuring 900 sq.ft., in Khasara Nos. 116/1 and 117/2, situated at Bhandewadi for consideration of Rs.1,80,000/-. The 7/12 extract of the land on which the plots were demarcated were on the name of the present Applicant Karimullah Khan Hafiullah Khan, Jafarullah Khan Hafizullah Khan, Samir Khan Rahmatullah Khan, Sadab Khan Hiduyatullah Khan, Nadim Khan @ Banti Vilayatullah Khan, Sufiyaz Khan Likayatullah Khan and others. In the year 2017, the land owners informed him that in the survey they have found some more extra land, therefore the Informant again purchased the plot No. 228 for consideration of Rs. 3,87,000/-. Around 44 plots were sold in the year 2020, where buyers constructed their homes and they are staying there. In the year 2020, the land owner Wajids Begum's husband Vakil Ahmad and Irfan Sheikh told Informant that again more plots are there for sale, and therefore, the Informant booked the plot Nos. 13-A, 14-A for the total consideration of Rs.10,20,000/- and in token had paid advance amount of Rs. 1 Lakh to Jafarullah Khan and again Rs.4,93,000/- was paid to Vakil Ahmed and thereafter the Informant and Shahajada Idris agreed to purchase the plot Nos. 1, 5 and 140 for consideration of Rs.1,09,29,000/- and as a token had paid amount of Rs.21,000/- to Sai Ratna Housing Land Developers whose partners were Sanjay Banduji Khalode and Faiyaz Ghulam Nabi Sheikh and thereafter around Rs.52,71,000/- were paid to Sai Ratna Housing Developers. On 06.01.2025, the Nagpur

Improvement Trust Office bearers visited the said plots and removed the encroachment. It was informed that, the plots sold by the accused were illegal, and therefore, complaint lodged at the office of NIT and came to know that in the year 1962, NIT had acquired the land from the accused and it was kept as a reserved for Sewage Disposal Plant and Garbage Collection Center. Accused Inaytullah, Rahemtullah, Karimtullah, Hidaytullah, Sufiyaz Khan Likayatullah Khan had received Rs.18,688/- as consideration for acquiring 60.04 acres land. Thus, inspite of having knowledge about the acquiring of land of the accused by the NIT, accused entered into an agreement to sale plot Nos. 13-A and 14-A to the Informant with an intention to cheat him. On the basis of the said report Police have registered the crime against the present Applicant.

3. Heard learned Counsel for the Applicant, who submitted that, the name of the present Applicant is not mentioned. As far as the sale deeds are concerned, none of the sale deeds bears his signature. Thus, his involvement is not in the forgery of the documents or any cheating, and therefore, his custodial interrogation is not required. In view of that, he prays for releasing him on anticipatory bail.

4. Heard learned APP who submitted that the Khasara Nos. 116 and 117 was admeasuring 60 acres. In the year 1962 itself the entire land was acquired by the NIT. Subsequently, the original owners approached to the NIT and on the request of these original owners only 6 acres of the land was released in favour of the said owners but they have portrayed themselves that they are the owners of the entire

land and the layout was prepared and thereafter the plots were sold out to various purchasers who have constructed their houses and staying there. The said encroachment was removed by the NIT and thus the various persons were duped by the present Applicant. In view of that, the involvement of the present Applicant reveals and his custodial interrogation is required.

5. On hearing both the sides and on perusal of the investigation papers, there is substance in the contention of the learned APP as well as the learned Counsel for the Complainant. They both have invited my attention towards the various documents which are collected during the investigation which shows that in the year 1962 itself the Khasara Nos. 116 and 117 admeasuring 60 acres of the land was acquired by the NIT for the Sewage Disposal Plant and Garbage Collection Center. On the request of the original owners, only 6 acres of land was released in their favour and the rest of the land was in the possession of the NIT, but the present Applicant and the other co-accused portrayed themselves as the owner of the said land, divided the said land into plots and sold the said plots and obtained the pecuniary gain from selling the said plots. Thus, as far as the involvement of the present Applicant is concerned, which reveals from the investigation papers. The statements of various house owners who have purchased the plots and constructed their house are recorded by the investigating agency, from which the involvement of the present Applicant is revealed. While considering the anticipatory bail the Court has to consider whether the custodial interrogation of the

present Applicant is required or not. Considering the entire nature of the offence that the Government land was shown to be the land owned by them and various purchasers were called to purchase the plots and accordingly they have purchased by paying the consideration amount. Thus, various persons are duped by the said transactions. In view of that, the Application deserves to be rejected. Accordingly, I proceed to pass the following order:

ORDER

i. The Application is **rejected**.

6. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)