



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

CRIMINAL APPLICATION (ABA) NO. 999 OF 2025

Rakesh S/o. Bhupendra Gandhi

Vs.

State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. J.B. Gandhi, Advocate for the Applicant.

Ms. Sneha Dhote, APP for the Non-applicant/State.

CORAM : RAJ D. WAKODE, J.

DATE : 26th DECEMBER, 2025.

Heard Mr. J.B. Gandhi, learned counsel for the applicant, and Ms. Sneha Dhote, learned APP for the non-applicant/State.

2. Apprehending arrest at the hands of Police in connection with Crime No.346/2025 registered with Police Station Patur, District Akola, for the offences alleged under Sections 108, 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS), the applicant has approached this Court praying for grant of pre-arrest bail.

3. Mr. Gandhi, learned counsel for the applicant, contends that the offence has been registered against the applicant and another co-accused Sachin @ Banty Arun Kharad, based on the allegations of the informant, who is the brother of the deceased. The informant alleges that the deceased committed suicide due to the forceful execution of a sale deed in favour of the present applicant, which may have prompted the deceased to take such a step. The deceased

committed suicide on 26th November 2025. According to the FIR, the informant came to know about the relevant video on 27th November 2025, and the FIR was registered on 4th December 2025.

4. The crux of the FIR concerns the transaction of agricultural land between the deceased Gopal, and the present applicant. Mr. Gandhi, learned counsel, submits that the deceased Gopal had purchased the said agricultural land on 30th December 2024, by paying a consideration of Rs.3,60,000/- through a registered sale deed. Within 20 days, on 22nd January 2025, the deceased entered into an agreement to sell the land to the present applicant for a consideration of Rs.4,80,000/-, thereby earning a profit of Rs.1,20,000/- within 20 days.

5. Since the aforesaid agricultural land was governed by the provisions of Section 27 of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947, the deceased Gopal had applied to the Sub-Divisional Officer, Balapur, seeking permission for the transaction, which was duly granted on 29th October 2025. After the grant of permission by the competent authority, the registered sale deed was executed between the deceased Gopal and the present applicant on 12th November 2025.

6. As per Mr. Gandhi, learned counsel, the entire transaction continued for almost a year, with all necessary permissions obtained, and therefore, the allegation that the applicant forcibly executed the sale deed, which allegedly led to the deceased's suicide, is unfounded. Thus, the offence of

abetment, as alleged against the present applicant, loses its force.

7. I have enquired with Ms. Dhote, learned APP, who has strongly opposed the present application and submitted no reasons for the custodial interrogation of the applicant at this stage. However, as there is no recovery to be made from the applicant, in my considered opinion, he is entitled to the grant of *ad-interim* anticipatory bail. Accordingly, I proceed to pass following order:

ORDER

i) In the event of arrest, the applicant – Rakesh S/o. Bhupendra Gandhi in connection with Crime No.346/2025 registered with Police Station Patur, District Akola, for the offences alleged under Sections 108, 352 and 3(5) of the BNS, be released on *ad-interim* anticipatory bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one solvent surety in the like amount.

ii) The applicant shall attend Police Station Patur, District Akola, every Monday and Friday between 10.00 a.m. and 1.00 p.m. and shall cooperate with the investigating agency.

iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

8. Issue notice to the non-applicant, returnable on 16th January, 2026.

9. Ms. Sneha Dhote, learned APP, waives service of notice on behalf of the non-applicant.

(RAJ. D. WAKODE, J.)

Vijaykumar