IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

926 ANTICIPATORY BAIL APPLICATION NO. 1856 OF 2026

1. Vitthalrao Motiram Kadam (Deshmukh)

2. Dattatray s/o Motiram Kadam (Deshmukh)

3. Niranjan s/o Vitthalrao Kadam (Deshmukh)....Applicants

VERSUS

The State of Maharashtra .....Respondent

Mr. J. M. Murkute, Advocate for Applicants
Ms. P. J. Bharad, APP for the State.
Mr. B. G. Deshmukh, Advocate for informant.

CORAM : R. M. JOSHI, J.
DATE : 3rd NOVEMBER, 2026.

PER COURT :

1. Applicants seek pre-arrest bail in connection with Crime No. 0469/2026 registered with Bhokar Police Station, District Nanded for the offences punishable under Sections 318(4), 338, 336(3), 229 r/w 3(5) of Bharatiya Nyaya Sanhita.

2. First Information Report indicates that the constituted attorney of Plaintiff No. 1 in RCS No. 114/2018 lodged report against Plaintiff Nos. 2 and 3 alleging against them that they have created false

record/document and on the basis of said document, mutation entries were obtained from the revenue authorities.

3. Learned Counsel for the Applicants submits that there is order passed by the Civil Court in RCS No. 114/2018 on 05.03.2024 permitting Plaintiff Nos. 2 and 3 and excluding Plaintiff No. 1 i.e. informant from fixation of demarcation boundaries of the suit land. It is his submission that there is no evidence to show that any document was created by Applicants in order to constitute any offence.

4. Learned APP and learned Counsel for the informant opposed grant of any relief to the Applicants by submitting that the Applicants have made false claim on the basis of measurement carried out pursuant to the order passed by the Civil Court.

5. Even if it is accepted that a false claim was made by the Applicants, there is no evidence at all to indicate that any document was created/fabricated by the Applicants. Needless to say that in view of the order passed by the Trial Court as recorded hereinabove, it was open for the Applicants to seek fixation of boundaries. It is

altogether different point as to whether revenue authority was agreed with the said measurement map or not. By no stretch of imagination it could be said that any offence is committed by the Applicants. hence, liberty of the Applicants is protected. Hence, the following order :-

ORDER

(i) In the event of arrest of applicant Vitthalrao Motiram Kadam (Deshmukh), Dattatray s/o Motiram Kadam (Deshmukh) and Niranjan s/o Vitthalrao Kadam (Deshmukh) in connection with Crime No. 0469/2026 registered with Bhokar Police Station, District Nanded for the offences punishable under Sections 318(4), 338, 336(3), 229 r/w 3(5) of Bharatiya Nyaya Sanhita, they be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) each with one surety in the like amount.

(ii) They shall attend the concerned police station as and when called.

(iii) They shall not contact the witnesses directly or indirectly.

(iv) They shall not interfere with the evidence in any manner whatsoever.

(v) They are further directed to cooperate the investigating agency for further investigation.

(vi) Learned APP to communicate this order to the concerned Investigating Officer.

6. It is clarified that the observations hereinabove are prima facie in nature and the Trial Court shall not get influenced by the same.

7. Pending application, if any does not survive and stands disposed of.

(R. M. JOSHI, J.)

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