IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

939 ANTICIPATORY BAIL APPLICATION NO. 2139 OF 2023

Santosh Prabhakar Pawar ....Applicant

VERSUS

The State of Maharashtra .....Respondent

Mr. A. N. Barhate Patil, Advocate for Applicant
Mr. N. R. Dayama, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 23rd OCTOBER, 2026.

PER COURT :

1. Applicant seeks pre-arrest bail in connection with Crime No. 0287/2023 registered with Loni Police Station, District Ahmednagar, for the offences punishable under Sections 419, 420, 465, 467, 468, 474, 120B r/w 34 of Indian Penal Code.

2. Learned Counsel for Applicant submits that co-accused against whom exactly similar role has been attributed was granted protection by this Court by order dated 30.06.2026. He, therefore, seeks same relief for the present Applicant on the ground of parity.

3. Learned APP opposed grant of any protection to the Applicant.

4. Prima facie perusal of the record indicates that the role attributed to the present Applicant is exactly same as alleged against the co-accused who are granted pre-arrest bail by this Court by order dated 30.06.2026. It would be relevant to take note of the observations made by this Court in paragraph Nos. 10 and 11 of the said order which read thus :-

> "10. Prima facie perusal of FIR discloses that complainant came to know about the allegedly forged agreement to sale executed on 27-12-2022, when an objection was raised by one of the co-accused on mutation of the proposed land by complainant. The very fact cannot be ignored by this Court that despite the complainant having the knowledge that a civil suit was being filed for specific performance of the agreement, no steps were taken by the complainant. It was only after the observations made by civil court in favour of plaintiff, an offence came to be lodged by the complainant. So also, husband of informant i.e. Accused No. 3 – Santosh Pawar was an attesting witness while the document was executed at relevant time and no complaint was lodged by informant during the said period. The delay in lodging of the report would definitely become a factor for consideration in the present case.
>
> 11. In so far as the genuineness of the document is concerned, the same would be adjudicated before the civil court in RCS No. 20 of 2023 as the subject matter thereof

is Subjudice before the said court. The documents in question, so also other related documents such as register of notary etc. have already been seized. With regards to the statement of Notary is concerned, the Notary does not dispute the execution of the said document and nor denies his signature thereon, but now claims that he was forced to sign it. Such statement from an authority like Notary who is responsible for maintaining record under relevant rules is not acceptable. It is matter of record that all documents are in custody of Investigating Agency and for want of any further recovery, custodial interrogation of the applicant would not be necessary. Moreover, there is no iota of evidence to suggest that applicants sought to cause interference in the evidence. The applicants have also complied with the conditions of the interim protection granted, and have not misused their liberty."

5. Considering the aforestated observations made in respect of the co-accused, liberty of present Applicant deserves to be protected. Hence, application is allowed in terms of the interim relief.

(R. M. JOSHI, J.)

dyb