



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

902 ANTICIPATORY BAIL APPLICATION NO.1803 OF 2024

MAHENDRA PRATAPSING RAJPUT

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr.S.A.Raut h/f. Mr.N.L.Chaudhari

APP for Respondent-State : Mr.K.K.Naik

Advocate for the complainant : Mr.Sajte S. Jadhav

...

WITH

**CRIMINAL APPLICATION NO. 1001 OF 2025
IN ANTICIPATORY BAIL APPLICATION NO.1803 OF 2024**

...

CORAM : MEHROZ K. PATHAN, J.

DATE : 17.02.2026

P.C. :

1] Heard the learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for the complainant.

2] The applicant has approached this Court seeking anticipatory bail in connection with Crime No. 83 of 2024, registered with Jalgaon City Police Station, Taluka

and District Jalgaon, for the offence punishable under Section 420, 465, 467, 468, 471, 447 and 192 r/w. 34 of the Indian Penal Code, 1860. This Court, vide order dated 22.10.2024, has granted interim protection to the present applicant on the condition that the applicant shall attend the concerned police station once in a week.

3] The learned counsel for the applicant Mr.Raut submits that the applicant has attended the concerned police station and has co-operated with the investigation. Hence, the interim order dated 22.10.2024 may be confirmed and the applicant may be released on anticipatory bail. He further submits that date of death of the brother of the complainant i.e. Ramdas Peswani, who is alleged to be impersonated by executing a sale deed, is 17.11.2023, as such, the said allegations made in the FIR are improbable. The false implication of the applicant in the present crime cannot be ruled out and as such the applicant may be released on anticipatory bail. He further submits that the other co-accused, namely, Sayyed Amir Sayyed

Nawaj and Shaikh Hasan Shaikh Bashir, who are witness to the alleged forged sale deed dated 18.05.2022, are released on anticipatory bail. The co-accused, namely, Ajay Kandare, is also released on anticipatory bail vide order dated 26.11.2024. Thus by applying the principles of parity the present applicant may be protected. The investigation almost appears to be completed, hence, custodial interrogation of the applicant may not be necessary. Since the applicant has co-operated with the investigation, the applicant may be released on anticipatory bail.

4] As against this, learned APP Mr.Naik for the respondent-State as well as the learned counsel for assisting the P.P. vehemently oppose the present application on the ground that the applicant is a fraudster, who had earlier executed fraudulent Power of Attorney on 10.07.2018 by impersonating Ramdas Peswani i.e. real brother of the complainant and had, thereafter, obtained compensation from the National Highway Authority of India [NHAI]. The learned counsel further submits that 12 R. land out of Gat

No.877/2 was acquired by the NHAI. The documents pertaining to the disbursement of the compensations bears the photographs of the present applicant describing himself as Power of Attorney holder of the real brother of the complainant. Not only this the applicant has, thereafter, also executed a bogus sale deed dated 18.05.2022 in his name by impersonating Ramdas Peswani and showing him as vendor of the remaining area of 28.5 R. out of Survey No.877/2. The photographs and the signatures of the Ramdas Peswani are bogus. The real brother of the complainant, namely, Ramdas Peswani, had never executed any such Power of Attorney in favour of the applicant, nor had executed any sale deed on 18.05.2022 in favour of the applicant. Though the applicant was protected by order dated 22.10.2024 by this Court with a condition that the applicant shall attend the concerned police station once in a week, the applicant has failed to attend the police station even though notices were issued to him on 27.10.2024. Accordingly, entry to that effect has taken by the police authorities in the station diary. The applicant has failed to

comply with the conditions imposed by this Court. There is ample evidence collected by the prosecution to bring home the guilt of the applicant in the said crime. The applicant had not only executed bogus Power of Attorney but had also received amount of compensation from the NHAI for the land acquired by the National Highway Authority of India. The real brother of the complainant has expired actually on 06.04.2025 while taking treatment at Pune, however, the applicant has manufactured bogus document of death showing that the brother of the complainant has died on 17.11.2023. Thus, the applicant is involved in manufacturing and forging several documents to somehow grab the property of the complainant's brother. The custodial interrogation of the applicant may be necessary and this is not fit case to grant anticipatory bail, hence, the application may be rejected.

5] I have gone through the investigation papers made available by the learned APP. Perusal of the statement of the complainant–Ajay Peswani would show that the

applicant Mahendra Rajput has executed bogus Power of Attorney dated 10.07.2018 and had used the said Power of Attorney to receive compensation from the NHAI. Perusal of the Power of Attorney allegedly executed on 10.07.2018 shows that the photograph of Ramdas Peswani is totally different than Photo appearing on the Aadhar Card. The signature appearing on the said Power of Attorney also does not prima facie tally with the original signature of the brother of the complainant Ramdas Peswani, which appears on the original sale deed dated 21.01.2011 when he had purchased the said land from Kumar Omprakash Rohra.

6] Perusal of the investigation papers further show that sale deed dated 18.05.2022 bearing photographs of Ramdas is a different person executing sale deed in favour of the applicant Mahendra Rajput, who is shown to be a purchaser of the said property. The photograph and signatures does not tally with the original photographs and signatures appearing in sale deed dated 21.01.2011 where deceased brother Ramdas has purchased the land from one

Kumar Omprakash Vohra.

7] The death certificate obtained by the Investigating Officer during the course of investigation shows that the date of death of the brother of the complainant Ramdas as 06.04.2025. Thus, it appears that even the death certificate is manufactured by the applicant – Mahendra Rajput to somehow grab the property of the deceased Ramdas Peswani.

8] The station diary entry recorded by the Police shows that the applicant has failed to remain present before the Investigating Officer even after notice was issued by the Investigating Officer to the present applicant to attend and co-operate the investigation. The offence is serious in nature where the applicant is alleged to have prepared bogus documents with an intention to commit forgery and cheating so as to grab property belonging to the complainant's brother. Taking into consideration gravity of the offence, and the applicants failure to co-operate with the investigation as directed vide order dated 22.10.2024, I

am not inclined to exercise discretion vested under Section 482 of the Criminal Procedure Code. The Anticipatory Bail Application is hereby rejected.

9] Needless to mention here that the interim protection granted vide order dated 22.10.2024 stands vacated.

10] The application for assist the P.P. is also disposed of accordingly.

[MEHROZ K. PATHAN]
JUDGE

DDC