



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

ANTICIPATORY BAIL APPLICATION NO. 982 OF 2025

1. RANGNATH DNYANDEV PATHARE
2. SANTOSH RANGNATH PATHARE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

WITH

CRIMINAL APPLICATION NO. 2806 OF 2025
IN ABA/982/2025

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Advocate for Applicants : Mr. Vinayak Ramesh Gandhi

APP for Respondents/State : Mrs. P. J. Bharad

Advocate for complainant : Mr. Borde Prathamesh Milind

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CORAM : MEHROZ K. PATHAN, J.

DATE : 14th JANUARY, 2026

PER COURT :

1. Heard the learned Counsel for the Applicants as also the learned Counsel assisting the prosecution and the learned APP for the State.

2. The Applicants have approached this Court, seeking anticipatory bail in connection with Crime No.160/2025 registered with Supa Police Station, District Ahmednagar for the offences punishable under Sections 318(4), 336(3), 329(3), 338, 340(2), 236, 237 r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The allegation of the prosecution is that one Informant, Surekha Gaikwad, is a resident of Pune. On 04.08.1995, the complainant purchased land bearing Gut Survey No.637/1 from Applicant No.1/Rangnath Pathare, for a consideration of Rs.1,30,000/-.

4. Applicant No.1 is running a plant nursery on the said plot. For the last 7 to 8 years, the Informant has been visiting the land and requesting the Applicants to hand over possession. The Applicants, being relatives of the Informant, assured the complainant that possession would be handed over after a few days. However, Applicant No.1 did not hand over possession. Applicant No.1 thereafter filed a Civil Suit in Parner Court, which came to be decided in favour of the complainant/Informant. An appeal was also filed before the District Court by Applicant No.1, which was dismissed. Meanwhile, both the Applicants/accused, namely Santosh Rangnath Pathare and Rangnath Pathare, approached the Sub-Divisional Officer, Shrigonda, seeking conversion of the land from agricultural to non-agricultural use. After the order was passed, it was revealed that the Applicants had produced forged consent letters containing false signatures of the complainant before the SDO for such conversion. The consent letter dated 08.02.2021 filed before the SDO does not bear the genuine signature of the Informant and is a forged document. On the basis of the said forged document, the Applicants mortgaged the land with Gramin Bigarsheti Sahakari Patsanstha, Parner, and obtained a loan of Rs. 10 Lakhs. Accordingly, the

complainant has prayed for appropriate action against the accused persons for cheating and forgery.

5. The learned Counsel for the Applicants submits that the Applicants are also owners of a portion of Gut No.637/1. The 7/12 extract of Gut No.637/1 reflects the names of all the co-owners. Being owners, the Applicants had submitted their consent letter for conversion of the land along with the other co-owners. The allegations of forgery of the consent letter are deliberately made, as there are several disputes and litigations pending between the Applicants and the complainant. Considering that the Applicants themselves are owners of a portion of Survey No.637/1, the review application filed by the complainant Surekha before the SDO, Shrigonda, seeking review of the NA order dated 31.08.2023 on the ground of fraud, came to be dismissed by order dated 08.01.2025. The subsequent order dated 08.01.2025 clearly demonstrates an attempt by the complainant to implicate the Applicants, despite their ownership of a portion of Gut No.637/1 situated at village Supa, Taluka Parner. The Applicants are ready to abide by any conditions that may be imposed by this Court. They have deep roots in society, possess agricultural property, and are therefore not a flight risk. The Applicants may accordingly be released on bail.

6. As against this, the learned APP as well as the Counsel assisting the prosecution strongly oppose the present application on the ground that the Applicants have committed forgery by submitting

the consent letter dated 08.02.2021 before the SDO for conversion of the land, as the signature shown therein is not the genuine signature of the complainant. The complainant has been falsely shown to have consented to the conversion of Gut No.637/1/1 along with the present Applicants and other landowners, whereas no such consent was ever obtained. It is further submitted that the complainant and the Applicants are already involved in litigations filed by the Applicants against the complainant. The Applicants had again filed a civil suit which came to be dismissed, and the appeal preferred by them was also dismissed. Thus, there was no occasion for the complainant to give any such consent for conversion of the land from agricultural to non-agricultural use. Moreover, the Applicants have obtained a loan of Rs.10 Lakhs from the bank by mortgaging the said converted land. The offence is therefore serious in nature, and custodial interrogation of the Applicants is necessary. Hence, this is not a fit case for grant of anticipatory bail to the Applicants.

7. I have gone through the allegations in the FIR and the investigation papers made available by the learned APP. The learned assisting Counsel has also submitted a map showing the entire Survey No.637/1. The said map is relied upon by the learned assisting Counsel to show manipulation of the record map, allegedly undertaken to somehow obtain permission for conversion of the land from agricultural to non-agricultural use without any valid consent. The learned Counsel further submits that the Applicants have not only forged the consent letter dated 08.02.2021 but have also

submitted manipulated records before the SDO.

. The perusal of the documents annexed to the application and the investigation papers shows that the Applicants are also owners of a major portion of Survey No.637/1. The consent letter dated 08.02.2021 bears only the signatures of both the Applicants on the stamp paper, whereas a separate list is annexed along with the said consent letter containing the names of adjoining landowners of Survey No.637/1. The signatures of the adjoining landowners appear on a separate sheet attached to the alleged consent letter dated 08.02.2021 which includes the alleged bogus signature of the complainant. They did not file any complaint. Thus false implication cannot be ruled out. The record, particularly the 7/12 extracts, shows that the Applicants are joint owners of Survey No.637/1 along with several other co-owners including the complainant. Even the loan agreement with the bank shows that the Applicants have taken the loan of Rs.10 Lakhs only against 0.27 R area out of survey no.637/1 for which their names are muted in the 7/12 extracts along with joint owners.

8. The custody of the Applicants is required only for the limited purpose of obtaining specimen handwriting and signatures, so as to match the same with the signature of the complainant allegedly forged on the list attached to the consent letter dated 08.02.2021. Further investigation in the present crime can therefore be carried out even without custodial interrogation of the Applicants. The learned assisting Counsel has also relied upon certain complaints

made by the complainant to the police station regarding illegal threats allegedly given by the Applicants. Custodial interrogation for any other purpose in the present crime would not be necessary. The learned assisting Counsel further submits that one FIR has already been registered against the Applicants on 04.02.2024 on the complaint made by Ashok Gaikwad, son of Surekha Gaikwad, the complainant herein. The apprehensions expressed by the learned APP as well as the learned assisting Counsel can be addressed by imposing stringent conditions upon the Applicants and issuing appropriate directions. Hence the following order :

ORDER

(i) In the event of arrest of the Applicants - Rangnath Dnyandev Pathare and Santosh Rangnath Pathare in connection with Crime No.160/2025 registered with Supa Police Station, District Ahmednagar for the offences punishable under Sections 318(4), 336(3), 329(3), 338, 340(2), 236, 237 r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023, they be released on bail on furnishing PR. bond of Rs.50,000/- (Rupees Fifty Thousand) each with two solvent sureties in the like amount, on the following conditions :

(a) The Applicants shall attend Supa Police Station, District Ahmednagar on 19th 20th 27th 28th of January, 2026 and 2nd and 3rd of February, 2026 and thereafter as and when called by the Investigation Officer, till the filing of the charge-sheet.

(b) The Applicants are directed not to enter the village Supa till framing of the charge by the learned trial Court in the present crime.

(c) The Applicants shall not tamper with the prosecution evidence and shall not influence the witnesses.

(d) The Applicants shall submit their Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of themselves and two of the near relatives.

(e) A single violation of the conditions would entitle the prosecution to seek cancellation of the bail.

(ii) The application is allowed in the above terms and stands disposed of.

(iii) The application for assisting prosecution is also disposed of.

MEHROZ K. PATHAN
JUDGE

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