



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1297 OF 2025

Vijay Chhaganrao Kumawat

VERSUS

The State Of Maharashtra

...

- Mr. Chapalgaonkar Shailesh S., Advocate for Applicant
- Mr. K. K. Naik, APP for Respondent - State
- Mr. S. P. Sonwane, Advocate for Assist to P. P.

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WITH
CRIMINAL APPLICATION NO. 3318 OF 2025
IN ABA/1297/2025

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CORAM : MEHROZ K. PATHAN, J.

DATED : 15.04.2026

PER COURT :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State, as also the learned counsel assisting the prosecution.
2. The applicant has approached this Court apprehending arrest in connection with FIR No. 641 of 2025 dated 09.06.2025, registered with Shirdi Police Station, Tq. Rahata, District Ahmednagar, for the offences punishable under Sections 316(2), 318(4), 336(2) and 340(2) of the Bharatiya Nyaya Sanhita, 2023.

3. Learned counsel for the applicant submits that this Court had protected the applicant vide order dated 13.10.2025. The applicant has attended the police station and has cooperated with the investigation. Hence, the interim relief may be confirmed and the applicant be released on anticipatory bail.

4. Learned counsel for the applicant further submits that the applicant has no criminal antecedents. The applicant is ready to abide by any conditions that may be imposed by this Court. It is contended that the applicant has been falsely implicated in the present crime. The dispute is essentially civil in nature and the FIR has been lodged with an intention to recover the amount paid by the complainant towards purchase of the property. It is submitted that the property was mortgaged with the bank and the civil dispute has been deliberately given a criminal colour. The applicant, therefore, seeks confirmation of the interim protection.

5. As against this, the learned APP as well as the learned counsel assisting the prosecution strongly oppose the application on the ground that the applicant had an intention to cheat the complainant from the very inception. It is submitted that the applicant suppressed the material fact that the property was already mortgaged with the bank and that unless the bank dues were cleared, the sale deed could not have been executed. The complainant has paid an amount of Rs.

51,00,000/- under an agreement dated 01.07.2024, which was notarized. It is further submitted that prior to the said agreement, the applicant had already entered into an agreement for sale of the same property with one Nilesh Saklecha in the year 2019 and had received substantial amounts from him as well. The said fact was also suppressed from the present complainant. It is further contended that though the applicant attended the police station, he has not cooperated with the investigation. Hence, custodial interrogation of the applicant is necessary for effective investigation and, therefore, the application deserves to be rejected.

6. I have gone through the investigation papers made available by the prosecution. The record indicates that the applicant has not only induced the present complainant, namely Manoj Kumar Jain, but has also similarly induced another person, namely Nilesh Saklecha, in respect of the same property, which was already mortgaged with Union Bank of India. It appears that the applicant has received various amounts from the complainant, including Rs. 81,000/- in cash, Rs. 95,000/- through PhonePe and Rs. 75,000/- through Paytm on 01.07.2024, and thereafter additional amounts from time to time, totaling to Rs. 51,00,000/-. On one occasion, the applicant assured the complainant that he had obtained a No Objection Certificate (NOC) from the bank for release of the property, and the said NOC

was even shared on social media. However, upon enquiry, it was revealed that the said NOC purportedly issued by Union Bank of India was a forged document. The Investigating Officer has received confirmation from the bank that no such NOC was issued. Having regard to the nature and gravity of the allegations and the material collected by the prosecution, it prima facie appears that the applicant had dishonest intention from the inception to cheat the complainant. Considering that the investigation involves forgery of documents, custodial interrogation of the applicant is necessary for proper investigation.

7. In view of the above, this is not a fit case to exercise discretion in favour of the applicant. Hence, the Anticipatory Bail Application stands rejected. Consequently, the Criminal Application for assisting the prosecution also stands disposed of.

(MEHROZ K. PATHAN, J.)