



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1547 OF 2025

Shankar Mohanlal Jaiswal

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondent

.....
Advocate for Applicant : Mr. Rajendra Deshmukh, Senior Counsel a/w.
Miss Rakshanda Jaiswal I/b Mr. Dodiya Ramankumar Gopal
APP for Respondents: Mrs. P.J. Bharad.

CORAM : MEHROZ K. PATHAN, J.

DATE : 16TH FEBRUARY, 2026.

P.C. :-

1. The applicant has approached this court seeking anticipatory bail in connection with Crime No. 194 of 2025 registered with Phulambri Police Station, Dist. Chhatrapati Sambhajnagar under Sections 167, 409, 419, 420, 465, 467, 471, 473, 120B r/w. 34 of IPC.

2. Mr. Rajendra Deshmukh, the learned Senior Counsel appearing for the applicant submits that this Court vide order dated 8.9.2025, has protected the applicant on a condition that the applicant shall cooperate with the Investigating machinery. The learned Senior Counsel submits that the after the interim protection was granted by this Court, the applicant has cooperated with the investigation. Even on two prior occasions the applicant was called and asked about his explanation before the FIR was registered. The applicant has submitted his response to the queries raised by the Investigating Officer. Taking note of the conduct of the applicant, this court has protected the applicant vide order dated 8.9.2025. The learned Senior Counsel further submits that the

applicant is a public servant and is working as a Revenue Officer, at Revenue office, Phulambri and has only acted upon the submission made by the concerned Talathi and sanctioned the mutation. Perusal of the FIR would show that the main allegations are against the accused Sunil Birari i.e. the vendor, who has allegedly sold the said plot Survey No. 72 with an intention to cheat the complainant by producing the fake N.A. order. The said main accused, namely, Sunil Birari has already been protected by the Sessions Court by granting anticipatory bail vide order dated 3.5.2014 in Criminal Bail Application No. 900 of 2025. The Talathi, who is also accused in the present FIR and is alleged to have connived with the main accused Sunil Birari, for carrying out the mutation illegally is also protected by granting anticipatory bail vide order dated 1.10.2025 passed in ABA No. 1480 of 2025. The learned Senior counsel further submits that, at the most, the applicant is alleged to have sanctioned the proposed mutation forwarded to the Circle Office by the Tahsildar, without verifying the genuineness of the purported N.A. Order dated 13.12.2025. The applicant is not a criminal history-sheerer and does not have any criminal antecedent. The applicant has deep roots in the society and would not flee away from the ends of justice. He is ready to further cooperate with the investigation. Hence, the order dated 8.9.2025 may be confirmed by releasing the applicant on anticipatory bail.

3. As against this, the learned APP vehemently opposes the application on the ground that the applicant being a responsible Officer, was under an obligation to verify the documents and then, put his signature by sanctioning the mutation under Section 328 (2)(ii) and 14(2) of the Maharashtra Land Revenue Code. It was the bounden duty of the applicant to verify the NA order, whether the same is genuine or not and then should have sanctioned the mutation proposal forwarded by the Talathi. The irresponsible and illegal act on the part of the applicant has created the suspicion that the applicant has acted in connivance with

the vendor – Sunil Birari and Talathi Bharat Dutonde and thereby, cheated the complainant and other persons, who have acted considering the said NA order dated 13.12.2014 to be genuine and entered into various agreements for purchasing the said plot. The learned APP, therefore, submits that custodial interrogation of the applicant is necessary to find out where the fake NA order dated 13.12.2014 was prepared and whether other persons are also involved in the present crime. The learned APP therefore prayed for rejection of the application.

4. I have considered the submissions advanced by the learned Senior Counsel as well as the learned APP and perused the investigation papers made available for perusal of this Court. Perused the order dated 1.10.2025 passed by this Court in ABA NO. 1480 of 2025 granting bail to the Tahsilder Bhagwan Dutonde, who was working as a Tahsildar, Phulambri. Perusal of the order dated 6.5.2025 passed by the learned Sessions Judge would show that the learned Sessions Judge, while granting regular bail to another co-accused Sachin Harale, who was a consensor to the sale deed executed by Sunil Birari, has observed as under :-

“ At this stage, perusal of matter before me, it seems that prosecution case is of cheated informant and other 54 persons who came forward alleging cheated by these accused, as accused no.1 sold them plots with help of accused no.2 who was consenting party to said transactions. Accused no.1 and 2 conspired together and cheated purchasers of plot as sold land from 'No development Zone' on the basis of forged order dated 13/12/2014. After going through remand papers and documents filed on record by prosecution and accused, it is clear that present offence is mainly pertaining to documents. Firstly, accused stated that police failed to serve him with notice under Sec.41A of Cr.P.C. while, point to be considered is that when offence is punishable up to seven years imprisonment,

then it is mandatory , however, in present matter, offences punishable upto ten years imprisonment, hence, it is not mandatory in present. Considering argument advanced by accused that sections alleged are not made out, cannot be considered at this stage, being primary stage and investigation is still going on. A forged NA (Non-Agricultural) order from a revenue office may grant land-use change rights, enabling construction or commercialization. This leads to significant monetary gain or transfer of property based on misuse. Therefore, if the forged NA order is used to unlawfully claim property rights, transfer land, or obtain financial advantage, it can qualify as a "valuable security" or an authority to receive/deliver property, thus falling within the scope of Section 467 IPC. However, at this stage, not going in to details of applying section, but they prima facie applies which is sufficient.”

. Thus, taking into consideration the fact that the main accused Sunil Birari is already protected by the Sessions Court vide order dated 3.5.2025 and Talathi Bharat Dutonde, was also protected by order dated 1.10.2025 by granting him anticipatory bail and also considering the fact that the applicant is alleged to have merely sanctioned the mutation proposed by the same Talathi and is not alleged to have manufactured the false NA order dated 13.12.2014, I am inclined to protect the applicant, taking into consideration the order dated 8.9.2025 and no reported violation of any conditions imposed by this Court, however, upon certain conditions.

ORDER

Hence, the following order :-

- [i] The application is allowed;
- [ii] The interim order dated 8.9.2025 is hereby confirmed.
- [iii] The applicant shall attend the concerned police station

and report to the Investigating Officer on 24th 25th 27th 28th February, 2026 and 6th and 7th March 2026 between 11.00 a.m. to 1.00 p.m. and thereafter, as and when called by the Investigating Officer, till the charge sheet is filed and shall cooperate with the investigation

[iv] The applicant shall not tamper with the prosecution evidence.

[v] The applicant shall submit his Aadhar and Pan card to the Investigating Officer alongwith mobile numbers and addresses of two of his near relatives and his current address.

[vi] A single violation of the conditions shall entitle the prosecution to seek cancellation of bail.

[vii] The application stands disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-