IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 178 OF 2026

Abdul Mustakh Abdul Sattar And Others
VERSUS
The State Of Maharashtra And Another
...
Advocate for Applicant : Mr. P.R. Katneshwarkar, Senior Counsel h/f. Mr. Rudrawar Suresh Gangadharrao
APP for Respondents: Mr. A.A.A. Khan.

CORAM : MEHROZ K. PATHAN, J.

DATE : 10th FEBRUARY, 2026.

P.C. :-

1. The applicants have approached this court seeking anticipatory bail in connection with Crime No. 304 of 2025 registered with Shirsala police Station, District Beed for the offences under Sections 417, 420, 409, 465, 467, 474, 471, 473 r/w. 34 of IPC.

2. One Sultankhan Pathan filed a complaint in the JMFC Court, Parli Vaijnath alleging that he is the Chairman of the Marathwada Education and Welfare Society, Islampura, Parli Vaijnath having registration No. F-390. The complainant and six others had purchased the Grampanchayat Property No., 399 area 414.59 sq. meter for construction of school building of the trust in the year 2015. That, on 20.1.2024, the present applicants in collusion with one Abdul Muktar Abdul Sattar prepared a false resolution on letterhead of society and mentioned name of Abdul Jafar Abdul Sattar as a proposer and name of Syed Asef Syed Ali as seconder with the signature of other accused and gave authority to the Secretary Abdul Muktar Abdul Sattar for selling the said property and put false signature of Sayed Asef Sayed Ali on the said

resolution. Thus, by preparing a false resolution they have sold out the property to one Prashant Pradip Deshmukh for Rs. 5,10,000/-. As such the FIR was filed.

3. The learned Senior Counsel Mr. Katneshwarkar, submits that the applicants are falsely implicated in the crime only on the basis of one resolution dated 20.1.2024, which authorizes the main accused Abdul Muktar Abdul Sattar to execute the sale deed of the property bearing Gram Panchayat Property No. 399, admeasuring 414.59 square meters which was in the name of the Marathwada Education Welfare Society, Islampur, Parli Vaijnath fraudulently. On the basis of the said resolution dated 20.1.2024, which also bears the forged signature of one Syed Asif Syed ali, the applicant has facilitated the execution of the sale deed of the property of the Trust by forging another document showing it to be the permission of the Charity commissioner, under Section 36 of the Bombay Public Trusts Act.

4. Mr. Kanteshwarkar, learned Senior Counsel submits that only because the applicants are the family members of the main accused Abdul Muktar Abdul Sattar, they have been dragged into the present crime, whereas, the sale deed is executed by the main accused Abdul Mukhtar Abdul Sattar alone on 20.2.2024. Though the applicants are alleged to be the signatories to the resolution dated 20.1.2024, however, the said resolution itself would not prove the guilt of the applicants of committing fraud and selling the trust property. The applicants are respectable members of the society and if they are arrested, the same would bring them dis-repute in the society. The applicants were the earlier members of the Trust and the present complainant who is the alleged incoming President of the Trust by filing change report before the Charity Commissioner, has roped in all the family members of the Abdul Mukhtar Abdul Sattar with an intention to wreak vengeance against

them. The applicants are not having any criminal antecedents and are ready to abide by the conditions that may be imposed by this Court.

5. As against this, the learned APP and the learned Assisting Counsel vehemently oppose the application on the ground that upon investigation it is revealed that the permission annexed to the sale deed which is shown to be permission issued by the Charity Commissioner is fraudulently manufactured document which shows that same is issued by the Assistant Charity Commissioner Beed, whereas, the property is situated within the jurisdiction of learned Jt. Charity Commissioner, Latur. There is no such entry in the office of the Joint Charity Commissioner, Beed about the issuance of certificate permitting the main accused or the Trust, to sale out the trust property registered in the Public Trust Register. The resolution shows the signature of one Syed Asif Syed Ali as Seconder, whose statement is recorded by the police. He has sated in his statement that he was not aware about such resolution being proposed or moved by the members of the Trust. The learned APP further submits that the one of the accused Shaikh Asef Shaikh Shaukat states that his signature was obtained fraudulently without he having any knowledge about the passing of such resolution authorizing main accused Abdul Muktar Abdul Sattar to execute the sale deed of the property of the trust. There is enough evidence to implicate the role of the applicants in the crime. The custodial interrogation of the applicants is therefore necessary to unearth the entire crime committed by the applicants in connivance with the main accused Abdul Muktar Abdul Sattar. The learned APP and the assisting counsel, therefore, pray for rejection of the application.

6. I have gone through the investigation papers, placed on record by the learned APP. Perusal of the investigation papers reveals that the resolution dated 20.1.2024 bears the signatures of the applicants

. I have also gone through the Certificate issued under Section 36 of the Bombay Public Trust Act. The investigation papers also contain the record of the Charity Commissioner as well as the statements of the arrested accused Shaikh Asef Shaikh Shaukat who has stated that it was the main accused Abdul Mukhtar Abdul Sattar who was authorized by the applicants for selling the trust property bearing G.P. No. 399 and that the said resolution bears forged signature of the arrested accused Shaikh Asef Shaikh Shaukat. There is nothing on record to show that the applicants have conspired with the main accused Abdul Muktar Abdul Satar for selling the said property or by obtaining fraudulent certificate under Section 36 of the B.P.T. Act. except for their alleged signatures on resolution of the Trust. The investigation papers further contain the statement of Sayed Asef Sayed Ali, who was the seconder to the resolution dated 20.1.2024. He also claims ignorance of any such resolution dated 20.1.2024 being passed. The statement does not show that the entire family members of the main accused had conspired to cheat the trust by selling the property.

7. Though the resolution dated 20.1.2025 bears the signatures of the applicants thereby permitting the main accused Abdul Muktar Abdul Sattar to deal with the Gram Panchayat property No. 399 in the name of the society, however, same by itself would not preclude this court from exercising its discretion to protect the applicants, particularly, when they are ready to abide by any conditions that may be imposed by this Court. The custodial interrogation of the applicants, in my opinion, is not necessary. Thus, taking into consideration aforesaid factual aspects, I am inclined to exercise the discretion under Section 482 of the BNSS. Hence, the following order :-

O R D E R

[I] In the event of arrest of the applicant, in connection with Crime No.304 of 2025 registered with Shirsala police

Station, District Beed for the offences under Sections 417, 420, 409, 465, 467, 474, 471, 473 r/w. 34 of IPC, the applicants : -

(I) Abdul Mustakh S/o. Abdul Sattar (ii) Abdul Isar S/o. Abdul Sattar (iii) Jarina Begum W/o. Abdul Sattar and (iv) Abdul Jafar S/o. Abdul Sattar, be released on bail on furnishing PR Bond in the sum of Rs. 50,000/- each, with one or more sureties in the like amount, on the following conditions :-

[i] The applicants shall attend the concerned police station and report to the Investigating Officer on 18th, 20th, 23rd, 24th February, 2026 and 2nd and 3rd March, 2026 and thereafter as and when called by the investigating officer, fill filing of supplementary charge sheet, if any.

[ii] A single violation of the conditions may entitle the prosecution to apply for cancellation of bail.

[iii] The applicants shall not tamper with the prosecution evidence.

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

[MEHROZ K. PATHAN]
JUDGE.

grt/-