IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2341 OF 2023

Arun Shankar Patil and Anr. ...Applicants

Versus

The State of Maharashtra and Anr. ...Respondents

Mr. Sharad Bhosale a/w Pruthviraj Dagade, Advocate for the Applicants.

Mr. C. D. Mali, APP for the Respondent – State.

Mr. Dhananjay Rananaware a/w Samarth Chavan and Shubham Dhoble, Advocate for the Respondent No. 2.

PSI S. D. Bhilari, Karad Taluka Police Station, is present.

ARJUN KRISHNA RODGE
Digitally signed by ARJUN KRISHNA RODGE
Date: 2026.10.03 14:01:52 +0530

CORAM : ASHWIN D. BHOBE, J.
DATE : 1st October, 2026.

P.C. :

1. Heard, Mr. Sharad Bhosale, learned Advocate for the Applicant, Mr. C. D. Mali, learned APP for the Respondent – State and Mr. Dhananjay Rananaware, learned Advocate for the Respondent No. 2.

2. By this Application filed under Section 438 of the Code of Criminal Procedure (now Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023), the Applicant seeks pre-arrest bail, apprehending arrest in connection with Crime No. 131 of 2023 registered with the Karad Taluka Police Station, District Satara, for

offences punishable under Section 420 read with Section 34 of the Indian Penal Code.

3. Mr. Sharad Bhosale, learned Advocate for the Applicants, states that there are two (2) accused in Crime No. 131 of 2023, with Applicant No. 1 being accused No. 1 and Applicant No. 2 being accused No. 2.

4. In brief, the prosecution case is that Respondent No.2 owned 8 acres of agricultural land and a residential house at Supane and Abaichiwadi. Applicant No.1, her brother and Applicant No.2, her nephew, told her that her deceased daughter's shares in “Sahyadri Sugar Factory” were to be transferred in the name of Applicant No.2. Thereafter, Deepak Patil, who resides nearby, arrived in his rickshaw and informed Respondent No.2 that Applicant No.2 had called Respondent No.2 to the Government office. Respondent No.2 then went to the Government office at Karad by rickshaw, where Applicant No.1, Applicant No.2 and others were present. Respondent No.2 was told that her thumb impression and photograph were required to transfer the shares in the name of Applicant No.2, accordingly, she gave them. During the subsequent rainy season, when the cultivator of Respondent No.2, namely Kantaram Gaikwad, went to cultivate the land, Applicant No.1 and Applicant No.2 threatened him and stated that

they had purchased the land. Subsequently, Pravin Kumar Uttamrao Patil, her other nephew, obtained the relevant land documents and informed Respondent No.2 that Applicant No.2 had transferred her agricultural land and residential house in his name.

5. Mr. Sharad Bhosale, learned Advocate for the Applicants, submits that the subject matter of Crime No. 131 of 2023 is a pure civil dispute between the Applicants and Respondent No. 2, in respect of which the Applicants have filed a civil suit against Respondent No. 2 and Respondent No. 2 has also filed a suit against the Applicants, both of which are pending. He submits that the sale transaction in respect of the immovable property and the residential house, which Respondent No. 2 now complains of as an act of cheating and a fraud on her rights, was executed by Respondent No. 2 before the Competent Authority, that the same are registered documents and that Respondent No. 2 was paid the amounts she had requested as consideration towards the sale. He submits that Respondent No. 2 accepted the consideration amounts mentioned in the Sale Deeds. He further submits that the FIR filed by Respondent No. 2 is delayed. He states that the Sale Deeds were executed on 03.03.2022 and 04.03.2022, respectively, while Respondent No. 2 filed the complaint in March 2023.

6. Mr. C. D. Mali, learned APP for the Respondent – State, submits that the Applicants have committed systematic fraud and cheated Respondent No. 2, a senior citizen. He submits that the FIR narration itself shows that the Applicants, by dishonest intent and tactics, defrauded Respondent No. 2 by taking full advantage of her innocence.

7. Mr. Dhananjay Rananaware, learned Advocate for the Respondent No. 2, submits that the Applicants have taken advantage of their relationship with the Respondent No. 2. He further submits that the innocence of the Respondent No. 2 was exploited by the Applicants, who betrayed the trust the Respondent No. 2 reposed in her brother and the nephew. He submits that the Applicants dishonestly and mischievously obtained the thumb impression of Respondent No. 2 by misleading her into believing that it was for the transfer of the shares of Sakhar Karkhana standing in the name of her deceased daughter. He further submits that the Respondent No. 2 was in no need of money nor was any money due or payable by her to the Applicants as such, there was no occasion for the Applicants to sell her properties. He submits that the Applicants' mischievous intentions, even after executing the fraudulent sale deed, are evident from the suit filed by the Applicants against Respondent No. 2, wherein the Applicants seek a declaration that the sale deeds are valid.

8. Mr. Dhananjay Rananaware, learned Advocate for Respondent No. 2, refers to the order dated 30.07.2025 (*coram: Milind Sathaye J.*) passed in this application, which reads as follows:

> *1. Heard learned Counsel for the Applicant, learned Counsel for the Respondent/complainant and learned APP for State.*
>
> *2. The Applicants are protected under order dated 21.08.2023.*
>
> *3. I have perused the record and the investigation papers shown by the learned APP.*
>
> *4. The Applicants are brother and nephew of the complainant.*
>
> *5. As per the allegations in the FIR, the Applicants have got registered sale deed in respect of complainant's 8 acres of agricultural land a dwelling house in their favour on false pretext. The complainant was given to understand that she is signing for transfer of shares in the sugar factory which belonged to her deceased daughter. The complainant is an old lady of advanced age. On the date of FIR, she was 85 years old. The documents of sale deeds of March 2022 though registered, indicate that the sale deeds are heavily under-valued. An agricultural land of which market/ready-reckoner value is shown as Rs.60 lakh and odd is shown to have been sold for consideration of Rs.22 lakh stated to be paid in past from time-to-time for household expenses, medicines and other dues without any receipts. Similarly, the house properties with gaothan land of which market/ready-reckoner value is shown as Rs.11 lakh is shown to have been sold for Rs.3.50,000/- and once again this consideration is stated to be paid in past from time-to-time for the purpose of household expenses, medicines and other dues, once again without any receipts.*
>
> *6. Learned Counsel for the complainant submits that going by the age of the complainant and who has lost her daughter, it is most unlikely that she would part with both her house and agricultural land in favour of her close relative, if she was really informed about the nature of the documents.*
>
> *7. Learned Counsel for the Applicants in anticipatory bail application submitted that suits are pending between the parties in respect of the registered documents and the FIR is filed belatedly in March, 2023. However, record indicates that the complainant was trying to file complaint ever since June, 2022 because at that time, the complainant's workers were obstructed by the Applicants and that led to*

finding out about the sale deeds.

8. In the aforesaid facts and circumstances, before the decision is taken about whether to continue the anticipatory bail or not, an opportunity deserves to be granted to the Applicants to secure the complainant by depositing certain amount sufficient to cover the transactions in question, as a security.

9. For such opportunity, the matter is adjourned for further consideration. Learned Counsel for the Applicant submits that he will take necessary instructions and inform the Court.

10. Stand over to 13.08.2025. Interim protection granted earlier to continue till next date.

9. Today, Mr. Sharad Bhosale, learned Advocate for the Applicants, on instructions from the Applicants, submitted that the Applicants are not willing to deposit any amount.

10. Perused the records with the assistance of the learned Advocates for the parties.

11. Perusal of the complaint indicates that the Applicants took full advantage of a gullible senior citizen, aged 85 years and by misrepresentation, obtained her thumb impression on the Sale Deeds. The subject matter of Crime No. 131 of 2023 is two Sale Deeds dated 03.03.2022 and 04.03.2022, by which the residential house of the Applicant and the 8-acre property of Respondent No. 2 were transferred by the Applicants in the name of Applicant No. 2.

12. Pertinent to note that although the ready reckoner rate in the Sale Deed dated 03.03.2022 is shown as Rs. 11,04,327/- and in the Sale Deed dated 04.03.2022, the same is Rs. 60,57,800/-, the consideration amounts are Rs. 3,50,000/- and Rs. 26,00,000/-, respectively.

13. The payment of the consideration amount in respect of the Sale Deeds is shown to have been made by the Applicants to the Respondent No. 2 in the past, from time to time, for household expenses, medicines and other dues, without any receipts. The recital in respect of the payment of consideration in the respective Sale Deeds are reproduced verbatim:-

a. Sale Deed dated 03.03.2022 at page 40 of the paper book:-

> *मी तुमचेपासून गांवी वेळोवेळी माझे घरखर्चासाठी, औषधोपचारासाठी व लोकांचे देणेवारणेसाठी बिनलेख घेतले ते रक्कम रुपये तीन लाख पन्नास हजार फक्त ते या दस्ताचे भरण्यात सामील व कबूल तक्रार नाही.*

b. Sale Deed dated 04.03.2022 at page 63 of the paper book:-

> *मी तुमचेपासून गांवी वेळोवेळी माझे घरखर्चासाठी, औषधोपचारासाठी व लोकांचे देणेवारणेसाठी बिनलेख घेतले ते रक्कम रुपये सव्वीस लाख फक्त ते या दस्ताचे भरण्यात सामील व कबूल तक्रार नाही.*

14. Apparently, by executing Sale Deeds as narrated by Respondent No. 2 in her complaint, the Applicants have denied Respondent No. 2

not only her property but also her residential house, astonishingly without paying a single penny. To add to the miseries of Respondent No. 2, she is also made to face a civil suit.

15. The contention of Mr. Sharad Bhosale, learned Advocate for the Applicants, that Crime No. 131 of 2023 is civil in nature, must be taken note of for the purpose of rejecting the same. Remedies under criminal and civil law run side by side, they are not mutually exclusive but are clearly co-extensive and differ in their context and consequences. It is settled law that both civil and criminal proceedings can be maintained on the same set of allegations against the same person and there is no bar to maintaining civil and criminal cases. If the element of criminality is present, a civil case and a criminal case can co-exist on the same set of facts. In the present case, criminality is disclosed as such, the pendency of the civil action, as claimed by Mr. Sharad Bhosale, learned Advocate for the Applicant, will not assist the Applicants in any manner.

16. *Prima facie*, the dishonest intentions of the Applicants to deceive Respondent No. 2 from inception are writ large as revealed from the records placed in the file of this Application. This is a case in which a gullible senior citizen, none other than a relative of the Applicants, has

been deceived. Ingredients of the offences charged in Crime No. 131 of 2023 are *prima facie* made out against the Applicants.

17. In view of the above, the Applicants deserve no indulgence. This Application is therefore dismissed.

18. The observations made in this order are *prima facie* and are for deciding the Bail Application.

19. Anticipatory Bail Application No.2341 of 2023 is disposed of.

(ASHWIN D. BHOBE, J.)