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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2789 OF 2023

Gulam Babumiya Kakhandikar … Applicant
Versus.
The State of Maharashtra & Anr. … Respondents

Mr. Viresh Purwant with Mr. Ashutosh Purwant for the Applicant.

Mr. Ashok B. Tajane for the Intervenor.

Dr. A. A. Takalkar, APP for the State.

Mr. Sandip Kashid, PSI, Mandrup Police Station, Solapur is present.

CORAM : ASHWIN D. BHOBE, J.

DATED : OCTOBER 12, 2026

P.C.:

1. Heard, Mr. Viresh Purwant, learned Advocate for the Applicant, Dr. A. A. Takalkar, learned APP for the State and Mr. Ashok B. Tajane, learned Advocate for the Intervenor.

2. On 6th October 2023, the following order was passed in this Application:-

> "1. Heard the learned counsel for the applicant and the learned APP for the State.
>
> 2. This is an application for pre-arrest bail in connection with C.R. No.0325 of 2023 registered with Mandrup Police Station, Solapur for the offences punishable under Sections 420, 465, 467, 468, 471, 474, 199, 200 read with 34 of the Indian Penal Code, 1860 ("the Penal Code").

3. The first informant had purchased an agricultural land bearing Gut No.8/1A/B/1 under the registered sale-deed dated 15th October 2012. In the month of May-2023, the first informant received a notice issued by the Talathi Nandni, Taluka South Solapur with regard to the mutation of name the applicant, who had submitted an application to the effect that the first informant had gifted the said land by executing a Deed (*Hibanama*) on 2nd August 2016. Upon enquiry it transpired that the applicant had prepared a forged *Hibanama*. She had not known the accused Nos.2 and 3 who had falsely signed as witnesses to the said *Hibanama*. As no action was taken by Mandrup Police, the first informant lodged a complaint on 7th August 2023 and pursuant to an order dated 24th August 2023 passed by the learned Judicial Magistrate, First Class, Solapur under Section 156(3) of the Code of Criminal Procedure, 1973, FIR came to be registered.

4. The learned counsel for the applicant submitted that the applicant has instituted a suit being Regular Civil Suit No.741 of 2023, seeking a declaration of title to the said land on the basis of *Hibanama*. Original *Hibanama* has been tendered before the Talathi to mutate the applicant's name. Applicant is 74 year old. As the alleged offences revolve around documents, custodial interrogation of the applicant is not warranted.

5. Mrs. Takalkar, the learned APP, and Mr. Ashok Tajane, learned counsel for the first informant/intervener, resisted the prayer for pre-arrest bail. It was submitted that there is no relationship between the applicant and the first informant and thus, there was no question of gift by the first informant to the applicant.

6. I have perused the allegations in the first information report. The genuineness of the *Hibanama* purportedly executed by the first informant in favour of the applicant is at the heart of the controversy. It seems that, when the first informant raised an objection to the mutation, the applicant instituted a suit being Regular Civil Suit No.741 of 2023 on 7th July 2023, seeking a declaration. The first informant seems to have filed complaint on 29th August 2023. It is alleged in the FIR that, she had lodged a report with Mandrup Police, however, no action was taken. The applicant claims to have delivered original *Hibanama* to the Revenue Official for mutation. The genuineness or otherwise of the *Hibanama* propounded by the applicant is a matter of investigation.

7. Having regard to the age of the applicant and the fact that the applicant has already instituted a suit, it may be expedient to protect the liberty of the applicant while directing him to join in the investigation. If the investigation reveals the complicity of the applicant, the said factor can be considered while finally adjudicating the prayer of pre-arrest bail.

ORDER

8. Hence, the following order:-

i] In the event of arrest in connection with C.R. No.0325 of 2023 registered with Mandurp Police Station, Solapur, the applicant be released on bail on

furnishing a P.R. bond in the sum of Rs.30,O00/- with one or two sureties in the like amount.

ii] The applicant shall cooperate with the investigation and attend Mandrup Police Station, on 12th, 13th, 16th and 17th October, 2023 in between 10 am to 1 pm and, thereafter, as and when directed.

iii] The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant or any of the prosecution witnesses.

iv) Stand over to 30th October, 2023."

3. Mr. Viresh Purwant, learned Advocate for the Applicant, states that the Applicant has cooperated with the investigation in Crime No. 0325 of 2023. He submits that the Applicant has provided his admitted signatures to the Investigating Officer for forwarding to the handwriting expert. He further submits that the Applicant shall continue to cooperate with the investigation in Crime No. 0325 of 2023.

4. Dr. A. A. Takalkar, learned APP for the State, on instructions from the Investigating Officer, submits that the Applicant has appeared before the Investigating Officer as and when required and has cooperated with the investigation in Crime No. 0325 of 2023. She submits that the Applicant's admitted signatures were forwarded to the handwriting expert and a report to that effect has been received. She further submits that the handwriting expert's report records that the signatures of the Accused do not match the signatures on the document alleged to be forged. To clarify, she submits that the handwriting opinion indicates "different authorship".

5. Dr. A. A. Takalkar, learned APP, states that after investigation, the

charge-sheet has been filed in Crime No. 0325 of 2023, which is presently pending before the Judicial Magistrate First Class, Solapur and is registered as RCC No. 1388 of 2025.

6. Mr. Ashok B. Tajane, learned Advocate for the Intervenor, submits that the suit filed by the Applicant was dismissed for default on 27th November 2025. He further submits that the Applicant is involved in offences similar to those referred to in the Anticipatory Bail Application. He further submits that the custodial interrogation of the Applicant in Crime No. 0325 of 2023 is required.

7. Considering the statements made by Mr. Viresh Purwant, learned Advocate for the Applicant and Dr. A. A. Takalkar, learned APP for the State, the fact that the Applicant has been on interim bail since 6th October 2023, the absence of any allegations that the Applicant has violated any of the bail conditions imposed by the order dated 6th October 2023 and the fact that the Investigating Officer has received the handwriting expert's opinion, the order dated 6th October 2023 is confirmed and made absolute in terms of paragraph Nos. 8(i) and 8(iii) thereof.

8. Anticipatory Bail Application No.2789 of 2023 is disposed of.

(ASHWIN D. BHOBE, J.)