

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
APPEAL NO.933 OF 2025**

Ankush Bhiva VirkarAppellant
Vs.
The State Of Maharashtra & Anr.Respondents

Mr. Dhananjayrao D. Rananaware with Mr. Shubham S. Dhoble, for the Appellant.

Ms. Indrayani Patil i/b Mr. Kedar Lad, for the Respondent.

Mr. Shriram S. Chaudhari, APP for Respondent-State.

Mr. S. S. Mhamane, Police Naik, Dahiwadi Police Station.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 24th FEBRUARY 2026

PC.:-

1. The Appellant apprehends arrest in C.R. No. 234 of 2024 registered with Dahiwadi Police Station, Satara, for the offences punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860, and Sections 3(1)(f), 3(2)(v) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is alleged that the Appellant, along with other co-accused, has cheated the owner of the land by impersonation and by creating bogus documents in respect of a sale deed. The learned counsel

appearing for the Appellant submits that the Appellant is the purchaser and that the sale deed was executed in the month of May 2010, whereas the FIR has been registered in May 2024, challenging the said transaction after a lapse of about fourteen years.

3. It is further submitted that the dispute is essentially civil in nature. Earlier, a civil suit seeking cancellation of the sale deed was filed, which came to be dismissed for default. Thereafter, in the year 2024, the present crime has been registered. It is pointed out that the charge-sheet has now been filed and the Appellant is ready and willing to cooperate with the investigating machinery. Pursuant to the interim order passed by this Court, directing that no coercive steps be taken, the Appellant has been cooperating with the police. Hence, protection by way of anticipatory bail is sought.

4. *Per contra*, the learned APP opposes the Application, contending that the Appellant is the main accused who brought the lady and, by impersonation, caused execution of the sale deed, thereby committing fraud. It is submitted that the custody of the Appellant is necessary for effective investigation. Though the charge-sheet has been filed, it is only against the co-accused, and custodial

interrogation of the present Appellant is still required. Hence, the learned APP prays for rejection of the Application.

5. Heard the learned counsel appearing for the respective parties.

6. It appears from the record that civil litigation in respect of the subject property has been pending since the year 2018. The sale deed in question was executed in May 2010, and the civil suit seeking cancellation thereof came to be dismissed. The present proceedings arise out of the said civil dispute.

7. Earlier, the first informant had filed a private complaint, which was subsequently withdrawn, and thereafter the present FIR came to be registered. As the first informant belongs to the Scheduled Caste community, the offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act have been invoked.

8. Considering the nature of the dispute, which has its genesis in civil litigation, and the fact that the charge-sheet has been filed against the other accused persons, a case is made out to protect the Appellant by granting anticipatory bail, subject to certain conditions. Hence, the following order:

ORDER

- i) Appeal is **allowed**.
- ii) In the event of arrest of the Appellant, namely **Ankush Bhiva Virkar**, shall furnish personal bond of **Rs.25,000/-** with his recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the Investigating Officer;
- iii) The Appellant shall attend the concerned police station for further investigation twice in a week on Monday and Thursday in between from 11.00 a.m. to 01.00 p.m;
- iv) The Appellant shall cooperate with the investigation and make himself available for interrogation whenever required;
- v) The Appellant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer;
- vi) The Appellant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- vii) The Appellant shall maintain law and order;

viii) The Appellant shall, at the time of execution of the bond, furnish his residential address and contact number to the Investigating Officer, and the Court concerned, and shall not change the residence till the final disposal of the case;

xi) The Appellants shall surrender his passport, if any, before the Investigating Officer within a week and, if he does not possess any passport, he shall file an affidavit to that effect before the Investigating Officer;

x) The Appellant shall regularly remain present during the trial, and cooperate with the Hon'ble Court to complete the trial for the above offences.

xi) If breach of any of the above conditions is committed, the order of anticipatory bail would be canceled. It would be open to the Investigating Officer to file an application for remand, and the Magistrate concerned would decide it on merits, without being influenced by the grant of anticipatory bail order.

9. Interim Application stands disposed of.

(MRS. VRUSHALI V. JOSHI, J.)