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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 111 OF 2026

Rajesh Madhavrao Ghatge ...Applicant
Versus
The State Of Maharashtra And Anr. ...Respondents

Mr. Manoj A. Patil a/w. Kalyani Mangave, Shubham R. Dhenge,
Siddhesh S. Kadam, Akash M. Murudkar for Applicant.
Mr. Chetan G. Patil a/w. Mr. Prathamesh P. Magadum for
Intervenor/First Informant.
Mr. S.S. Chaudhari, APP for Respondent/State.
Mr. Abhijeet Pawar-PSI (I.O), Shahupuri Police Station, Kolhapur,
present.

CORAM : M.M. SATHAYE, J.

DATE : 25th FEBRUARY, 2026

P.C. :

1. This application is moved urgently because the regular Bench is not available today. The Applicant is seeking anticipatory bail.
2. Perused the FIR. According to the FIR, the Applicant is alleged to have committed cheating and forgery in respect of a Will of the deceased Ujwala Dubal executed in favour of Applicant. The Complainant's father and deceased Ujwala were cousin brother and sister. According to the FIR, the Complainant has got the knowledge about disputed Will sometime in 2023. In November 2024, the Complainant's advocate had issued a notice cum letter to the husband of the deceased Ujwala contending that forgery and cheating is committed by filing false affidavit in Court.

3. The disputed Will is notarized document of 27.06.2021 and there is certificate of the same date issued by the Notary before whom the said Will is executed.

4. Learned counsel for the Applicant submitted that the FIR is filed on the eve of election in which the Applicant's wife was contesting for the post of Corporator. He submitted that from the FIR itself, the offence is alleged to have been committed from June 2021 till July 2023; however, the FIR is filed much belatedly thereafter in January 2026 in the midnight between 13.01.26 and 14.01.26. He submitted that neither the husband nor the daughter of deceased Ujwala has raised any objection to the disputed Will and have in fact given their consent which is stated on affidavit before the Civil Court in probate proceedings. He submitted that therefore this is a fit case for grant of anticipatory bail.

5. On the other hand, learned APP with the assistance of the learned counsel for the complainant (though not a party, permitted to intervene and assist) pointed out that alleged medical certificate of the same date (27.06.2021) is allegedly issued by a doctor at Goa and it has surfaced during investigation that no such doctor worked with the hospital from which medical certificate is alleged to have been issued. It is submitted that custodial interrogation is necessary for unearthing the truth.

6. According to learned advocate for the Complainant, deceased Ujwala had no right to bequeath the property in favour of the Applicant. It is submitted that in March 2025, the Complainant was

informed by the Goa police that he should approach the concerned police station at Kolhapur and it is only after the Superintendent of Police was approached in January 2026, the FIR is registered.

7. I have considered the submissions and perused the record.

8. From the allegations in the FIR and considering the fact that the Complainant has already intervened in the probate proceedings, apparently the dispute is of civil nature, revolving around the disputed Will of deceased Ujwala. Though the FIR indicates that the knowledge of alleged cheating and forgery is in 2023, apparently there is no explanation about why immediately criminal action was not initiated. Also in November 2024, the Complainant's advocate had addressed a letter to husband of deceased Ujwala alleging forgery and cheating. However, no action seems to have been initiated immediately thereafter. The letter of Goa Police is of March 2025.

9. In the aforesaid facts and circumstances, considering the nature of dispute, the allegations in the FIR as well as time taken to file FIR, despite knowledge of alleged forgery and cheating, I am inclined to grant anticipatory bail. Hence the following order.

10. In the event of arrest of the Applicant - Rajesh Madhavrao Ghatge in connection with FIR No.45 of 2026, registered with Shahupuri Police Station, Dist. Kolhapur, he be released on bail on following conditions -

(a) That the Applicant shall execute P.R. Bond of Rs.50,000/- with

one or more surety in like amount.

(b) That the Applicant shall co-operate with the investigation and will attend the concerned police station as and when required by the Investigation Officer. Initially the Applicant shall attend the concerned police station on 4th, 5th and 6th of March, 2026 between 11.00 a.m. to 2.00 p.m.

(c) That the Applicant shall not contact or make an attempt to contact any of the witnesses including the complainant.

(M.M. SATHAYE, J.)