

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CR. ANTICIPATORY BAIL APPLN. NO. 304 OF 2026

Audumbar Ananda Asabe ... Applicant

Versus

The State Of Maharashtra And Anr. ... Respondents

WITH

CR. ANTICIPATORY BAIL APPLN. NO. 305 OF 2026

Satish Uttam Nikam ... Applicant

Versus

The State Of Maharashtra And Anr. ... Respondents

WITH

CR. ANTICIPATORY BAIL APPLN. NO. 306 OF 2026

Tukaram Ananda Asabe ... Applicant

Versus

The State Of Maharashtra And Anr. ... Respondents

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- *Mr. Umesh Mankapure i/b. Mr. Ismail Kadage for the Applicants.*
 - *Mrs. S.N. Deshmukh, A.P.P. for the Respondent-State in ABA/304/2026 and ABA/305/2026.*
 - *Dr. Ashvini A. Takalkar, A.P.P. for the Respondent-State in ABA/306/2026.*
 - *Officer :- HC/1698 Atpadkar, Pandharpur Taluka Police Station, present.*
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Coram : MEHROZ K. PATHAN, J.

Date : 16th June 2026.

PER COURT :

1. The Applicants have approached this Court seeking anticipatory bail in connection with F.I.R. No. 0249 of 2026, dated 06/04/2026, registered with Pandharpur Taluka Police Station, District Solapur Rural, for the offences punishable under Sections 318(4), 338, 336(3), 336(4), 340(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. Learned counsel for the Applicants Mr. Umesh Mankapure holding for Mr. Ismail Kadage submits that the Applicants have falsely implicated in the present crime. The will-deed dated 09/04/1997 is executed prior to the death of Chandar Chorge (Kadam), who had expired on 25/08/2000. The Applicant - Tukaram was looking after the said agricultural land Gat No. 171/1 situated at village Tawashi, as it was impossible for Chandar to travel 150 kilometers to look after the agricultural field. The entire story narrated in the First Information Report is concocted by the complainant only with an intention to falsely implicate the present Applicants in the present crime and to grab the land being the relative of the deceased Chandar. The Applicants Tukaram and Audumbar are the resident of the same village i.e. Tawashi; whereas Applicant Satish is the resident of village Kolawadi. The Applicants are having deep roots in the society and they are not a flight risk. The

evidence is documentary in nature. The Applicants are ready to further produce the original will-deed as and when called for by the Investigating Officer for the purpose of investigation.

3. Learned counsel for the Applicants Mr. Umesh Mankapure further submits that the Applicants - Audumbar and Satish are only the witnesses of the alleged will-deed dated 09/04/1997, wherein land admeasuring 1 H 21 R was permitted to be transferred in the name of main accused Tukaram, after the death of deceased Chandar. The Applicants have limited role of signing the will-deed. There are no allegations about the Applicants being beneficiary of the transactions. The Applicants - Audumbar and Satish are not having any criminal antecedents and are ready to abide by any conditions that may be imposed by this Court. The Applicant - Tukaram is having one crimnal antecedent, where the Applicant - Tukaram is being prosecuted for the offence under the Prevention of Corruption Act. However, taking into consideration the nature of allegations against the Applicant - Tukaram, he is released on anticipatory bail vide order dated 21/01/2026 passed by the learned Sessions Judge in Criminal Application No. 896 of 2025 for the offence registered at Pandharpur City Police Station. The learned counsel therefore prays for release of the Applicants.

4. Mrs. S.N. Deshmukh, learned A.P.P. appearing in ABA Nos. 304 of 2026 & 305 of 2026 and Dr. Ashvini Takalkar, learned A.P.P. appearing in ABA No.

306 of 2026 have strongly opposed the anticipatory bail application on the ground that the Applicants are involved in serious offences of cheating and forgery of valuable security with an intention to cheat, which are punishable with life imprisonment. The offence is serious in nature. Whereas there are direct allegations against the Applicant - Tukaram having forged the will-deed dated 09/04/1997. The will-deed shows that the same was executed showing the executant i.e. deceased Chandar as resident of Rameghar, Taluka Mahabaleshwar, District Satara. The village Rameghar had come within the jurisdiction of Taluka Mahabaleshwar only in the year 2006. Hence, the same creates a doubt about the execution of the will-deed dated 09/04/1997. The Applicant - Audumbar in ABA No. 304 of 2026 is real brother of the Applicant - Tukaram in ABA No. 306 of 2026, whereas the Applicant Satish Nikam is a resident of village Kolawadi. Both the Applicants - Audumbar and Satish had also played an active role as witnesses to the bogus will-deed dated 09/04/1997. The will-deed is executed on a stamp purchased from stamp vendor M.C. Kadam. The statement of the son of the stamp vendor M.C. Kadam is recorded by the prosecution, wherein he has categorically made a statement that the handwriting on the will-deed does not match with the handwriting of stamp vendor M.C. Kadam. The statement of Pandurang Mane would show that Shri Mane was appointed to look after the agricultural cultivation of the said land i.e. Survey No. 171/1

by the family of the complainant and the deceased Chandar. Thus, clear offence of cheating and forgery of a valuable security is clearly made out against the present Applicants. The offence being serious in nature, the custodial interrogation of the Applicants is necessary.

5. I have gone through the investigation papers made available by the learned A.P.P. The perusal of the statement of the nearby villagers, who is owner of adjacent Survey No.171 was also recorded by the Investigating Officer, wherein he has specifically made a statement that Survey No. 171/1 was being cultivated by the Applicant Tukaram from last 35 to 40 years. The Death Certificate is also alleged to have been received by the present complainant and handed over to the Applicants. The submission of the learned counsel for the Applicants that the First Information Report is lodged with an intention to concoct a story so as to somehow grab the land belonging to Chandar cannot be ruled out at this stage. However, these observations are *prima facie* in nature and are made only to decide the present Applications. The validity and the veracity of the will-deed will have to be tested before the Civil Court. Insofar as the present Applications are concerned, looking to the statements of the neighboring land owners, who are resident of the same village, I am inclined to protect the present Applicants. The apprehension of the learned A.P.P. can be taken care of by imposing appropriate conditions. Hence, the following Order :-

ORDER

- i. In the event of arrest of the Applicants - (i) Audumbar Ananda Asabe, (ii) Satish Uttam Nikam and (iii) Tukaram Ananda Asabe, they be released on bail on furnishing P.R. Bond of Rs. 50,000/- (Rupees Fifty Thousand only) each, with one or two solvent sureties in the like amount, in connection with F.I.R. No. 0249 of 2026, dated 06/04/2026, registered with Pandharpur Taluka Police Station, District Solapur Rural, for the offences punishable under Sections 318(4), 338, 336(3), 336(4), 340(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-

- (A) The Applicants shall attend the concerned Police Station and report to the Investigating Officer on every Friday and Saturday, between 12:00 noon and 02:00 p.m. till filing of charge-sheet, if any, against the Applicants.
- (B) The Applicants shall also cooperate with the investigation.
- (C) The Applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- (D) The Applicants shall submit their Aadhar Cards and Pan Cards to the Investigating Officer along with mobile numbers and addresses of two of their near relatives.
- (E) The Applicants shall handover original will-deed to the Investigating Officer for the purpose of investigation as and when asked for.

6. Needless to say, a single violation of any of the conditions imposed by this Court shall entitle the prosecution and the complainant to seek cancellation of bail of the present Applicants.

7. All the Applications stand disposed of accordingly.

[MEHROZ K. PATHAN, J.]

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