IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.324 OF 2024

1. Dnyaneshwar Natho Mazire …Applicants
2. Kalpna Dnyaneshwar Mazire
3. Shashikala Dnyaneshwar Mazire

Versus

The State of Maharashtra …Respondent

WITH
INTERIM APPLICATION NO.1116 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.324 OF 2024

Dattatray Baban Sakore …Applicant

In the matter between

1. Dnyaneshwar Natho Mazire …Applicants
2. Kalpna Dnyaneshwar Mazire
3. Shashikala Dnyaneshwar Mazire

Versus

The State of Maharashtra …Respondent

None for the Applicants in ABA/324/2024.
Mr. S. M. Mangaonkar, APP, for the Respondent-State.
Mr. O. P. Singh, for the Intervenor.
A.P.I. Sisode, Khed Police Station, Pune Rural, present.

CORAM: MADHAV J. JAMDAR, J.
DATED: 16 FEBRUARY 2026

PC:-

1. None for the Applicants.

2. Heard Mr. Mangaonkar, learned APP for the Respondent-State of Maharashtra and Mr. Singh, learned Counsel for the Intervenor.

3. By the present Anticipatory Bail Application filed under Section 438 of the *Code of Criminal Procedure, 1973*, the Applicants are seeking pre-arrest bail in connection with CR No.1094 of 2023 registered with the Khed Police Station, Pune Rural, for the offences punishable under Section 420 read with Section 34 of the *Indian Penal Code, 1860*.

4. A learned Single Judge by Order dated 5th February 2024 has already granted interim protection to the Applicants. The said Order reads as under:

> "*1. The Applicants are seeking anticipatory bail in connection with C.R.No.1094 of 2023, registered at Khed Police Station, Pune Rural, on 18.12.2023, under Section 420 r/w. 34 of the Indian Penal Code.*
>
> *2. Heard Ms. Radhika S. Navandar, learned counsel for the applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State. Learned counsel Mr. Bhushan Mahajan states that, he has instructions to appear for the first informant. He seeks time to file intervention application. At his instance, today I am adjourning the matter. However, I have heard the parties for consideration of ad-interim relief.*

3. The Applicant Nos.2 and 3 are the sisters and the applicant No.1 is their husband. The F.I.R. is lodged by one Dattatray Sakore. He is paternal cousin of the applicant Nos.2 and 3. The subject matter is a land at Gat No.615 at village Moi, Taluka Khed, admeasuring 40 R. That land had come to the share of the applicant Nos.2 and 3. In the year 2018, they wanted to sale that land. The informant came to know about it. He and his family members decided to purchase that land. They approached the applicants. It was decided that the land would be sold by the applicant Nos.2 and 3 for Rs.1,95,00,000/-. The F.I.R. mentions that the amount of Rs.37,50,000/- was paid through cheque to the applicant No.3. The rest of the amount of Rs.1,57,50,000/- was paid on different occasions through cash. In 2022, the informant came to know that the applicants had sold that land to Shridhar Phuge and Ganesh Phuge and their names were to be entered in the revenue record. The informant recorded his objection. In spite of that, the Circle Officer, Alandi, entered the names of the new purchasers in the revenue record. The informant preferred an Appeal before the S.D.O. against that entry. On these allegations of misappropriation of Rs.1,95,00,000/- the present F.I.R. is lodged.

4. Learned counsel for the applicants submitted that, there is absolutely no record or receipt to show that the informant had paid such huge amount in cash. The revenue entry made in favour of the new purchasers was objected to by the informant in March 2023. The Circle Officer passed his order allowing that entry on 12.05.2023. The Appeal against that order is still pending before the S.D.O. In November 2023, the first informant filed a civil suit bearing Special Civil Suit No.11 of 2023 before the Civil Judge, Senior Division, Rajgurunagar for mandatory injunction in the nature of directions to the applicant Nos.2 and 3 to execute the sale deed in favour of the first informant and his family and for declaration that the sale deed entered into by the applicants with the subsequent purchasers be declared as void. After this suit was filed, the informant has lodged this F.I.R. on 18.12.2023. She submitted that, it is a civil dispute and when the informant was not likely to get any relief in the said civil suit at the earliest, he filed this F.I.R. to pressurise the *applicants. She submitted that, such a huge amount in cash is not taken by the applicants. The amount which is taken by cheque was taken as a loan for the purpose of marriage of their children which they had refunded through cash.*

5. Learned counsel for the first informant opposed these submissions. According to him, there are witnesses in whose presence this cash amount was given by the informant to the applicants. He further submitted that, an MoU entered into between the parties itself mentions receipt of that cash amount.

6. Learned counsel for the applicants submitted that the MoU itself is forged and the applicants had not signed any such MoU.

7. Learned APP, on instructions, states that the statement of the Notary, who had allegedly notarized that particular MoU, is not yet recorded. She submitted that the statement of the witness in whose presence the informant had paid the cash amount is also not recorded.

8. Considering this situation, as of today, the applicants' contention can be considered favourably only for grant of ad-interim relief. All the contentions can be answered by the learned counsel for the informant. In the meantime, the applicants can be protected by way of ad-interim relief with direction to co-operate with the investigation.

9. Hence, the following order.

O R D E R

i) In the event of their arrest in connection with C.R.No.1094 of 2023, registered at Khed Police Station, Pune Rural, till the next date, the Applicants are directed to be released on bail on their executing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.

> *ii) This order shall operate till 19/03/2024.*
>
> *iii) The Applicants shall attend the concerned Police Station from 20/02/2024 to 23/02/2024 between 1.00p.m. to 5.00p.m. and thereafter as and when called and shall cooperate with the investigation.*
>
> *iv) Stand over to 19/03/2024.*"

5. The Charge-sheet has already been filed on 2nd July 2024.

6. The interim protection is operating for last about 2 years. There is nothing on record to indicate that the said protection has been misused.

7. Thus, in the facts and circumstances, the Anticipatory Bail Application is disposed of in terms of the Order dated 5th February 2024 passed by a learned Single Judge.

8. In view of disposal of the Anticipatory Bail Application, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]