

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2868 OF 2024

Janardhan Moru Mhatre	...Applicant
<i>Versus</i>	
State of Maharashtra & Anr.	...Respondents

Mr. Ashok Mundargi, Senior Advocate a/w Mr. Ashwin R., Mr. Sameer P, Ms. Trupti Dabke, Advocates for the Applicant.
Mr. Abhay Khandeparkar, Senior Advocate a/w Mr. Sujay Gawade and Ms. Mudita Pawar, i/by Shree & Co., Advocates for Respondent No.2.
Ms. R. V. Newton, APP for the State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 10th FEBRUARY 2026

P.C.:

1. Heard Mr. Mundargi, learned Senior Counsel appearing for the Applicant, Ms. Newton, learned APP for the State and Mr. Khandeparkar, learned Senior Counsel for the Respondent No.2.

2. By the present application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), the Applicant is seeking pre-arrest bail in connection with C.R. No.547 of 2024 registered with Panvel City Police Station, Navi Mumbai for

the offences punishable under Sections 318(4), 61 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (“BNS”).

3. The prosecution case is set out in paragraph Nos. 2 to 4 of the order dated 10th October, 2024 passed in Anticipatory Bail Application No. 709 of 2024 by learned Additional Sessions Judge, Panvel-Raigad, which reads as under:-

“2] As per FIR, the case of the prosecution is that, informant Nathuram Kokare is a Forest Officer of Uran. Land S.No.427/1 and 436/1 situated at Vahal, comes under the Maharashtra Reserve Forest. From this survey number Central Government acquired some portion and there is national highway. The 7/12 extract of these lands is in the name of Government of Maharashtra Reserved Forest. On 26/10/1956 from S.No.427 1 H, 69 R land and from S.No.436 0.05 land was acquired for Indian Railways. Thereafter on 12/02/1960 as per mutation entry no.1332 said land is recorded as forest land and it was Inam land, possession was with one Inamdar Sayyed Hasan and other 6.

3] Further, on 20/06/1963 by M.E. No.1339, name of Sayyad Mohammad Abdul Hamid Kadari was recorded, for transfer deed dated 26/03/1962 for Rs.11,500/-. Thereafter by M.E.No.1550 land admeasuring 2 H 02 R from S.No.427 and land admeasuring 5.50 H 3 R of S.No.436 came in the possession of Krishna Naik. Further it is submitted that, by ME No.2670 dated 17/04/1976 both the survey numbers, in view of order of SDO, Panvel said land was declared as excess land and there was entry in the other rights column. On 24/01/1961, land S.No.427 admeasuring 41.70 R and land S.No.436 admeasuring 110 H 0.60 R said land became the forest land. Thereafter on 03/10/1997 by M.E.No.4441 Sayyad

Kadari sold 5 H portion from S.No.436/1 to present applicant/accused. According to the FIR the land was of Government of Maharashtra, inspite of it, it was sold.

4] Further it is submitted that, there was an inquiry with regard to M.E.No.4547 dated 01/05/2005, during pendency of this inquiry, application / accused mortgaged the said land to Bank of Baroda and availed loan of Rs.7,75,00,000/-. Thereafter also applicant/accused availed loan up to Rs.2,00,00,000/-. It is alleged that, applicant/accused pretended Government land as his land and took compensation of Rs.42,40,93,625/- from National High Way Pradhikaran. Further it is alleged that, Sayyad Kadari pretended his land S.No.427/1/B to the extent of 00.42.25 H and received compensation of Rs.9,69,84,875/- from National High Way Pradhikaran. Accordingly the FIR was lodged on 04/09/2024.”

4. It is the submission of Mr. Mundargi, learned Senior Counsel appearing for the Applicant that, the Applicant is a purchaser of the subject property and the said purchase is by registered sale deed dated 4th August, 1995. He submits that, the FIR has been lodged by Forest Officer alleging that the Applicant has purchased forest land. He submits that it is the contention of Respondent No.2 that, he is the legal heir of Original Allottee i.e member of Hasan’s family. He submits that the FIR has been lodged only on the ground that forest land has been purchased and it is contention of the Respondent No.2 that, Respondent No.2 has some right in the subject property. He therefore submits that the Applicant is the

owner of the subject property and in any case is the bonafide purchaser.

5. On the other hand it is the submission of Mr. Khandeparkar, learned Senior Counsel appearing for the Respondent No.2 that, with complete knowledge that the property is of the ancestors of Respondent No.2, the Applicant purchased the said property. To substantiate the said contention Mr. Khandeparkar, learned Senior Counsel pointed out sale deed dated 19th March 1962, which has been registered at Serial No.132 (Page 4 to 21 of the compilation). He submits that even the Correction Deed on which reliance is placed dated 5th July 1963 is executed by Sayyed Mohamad Shah Sayyad Abdul Hamid Kadari Umar in favour of Sayyad Sirajul Hassan Sayyad Jeinul Hassan and others. He submits that there is no reference to said correction deed dated 5th July 1963 in the sale deed dated 4th August 1995. He has also pointed out notice dated 16th October 2024 issued by Mumbai JNPT Port Road Company Limited to the Applicant and more particularly paragraph No.3 of the same. He also pointed out Conveyance Deed dated 22nd March 2018 executed by Applicant in favour of Government of India through National Highway Authority of India (Special purpose vehicle of NHAI, JNPT and CIDCO). He submitted that without any

right title and interest property has been sold by the present Applicant. He therefore submits that custodial interrogation is necessary.

6. Ms. Newton, learned APP submits that the offence is very serious. The Applicant with complete knowledge that the Applicant is not the owner of the property got executed sale deed dated 4th August 1995 in his favour and on the basis of that huge compensation of about more than Rs.42 crores has been accepted. Learned APP submitted that the Anticipatory Bail Application be dismissed.

7. Perusal of the record shows that the FIR has been filed by the Forest Officer. The FIR proceeds on the basis that the subject land is a reserved forest. Perusal of the record further shows that by a Registered Sale Deed dated 4th August, 1995, the Applicant has purchased 4 hectares land equivalent to 4000 sq. meter bearing survey no.436 H.No.1. The Sale Deed makes reference to Deed of Conveyance dated 27th March 1961 registered at the Office of the Sub Registrar Panvel, at serial No.132 and registered vide no.126 of 31st March 1962. Mr. Khandeparkar, learned Senior counsel therefore points out Sale Deed dated 19th March, 1962 registered at serial no.132 (Page Nos.4-21 of compilation), which

was registered on 27th March 1962. However, Mr. Mundargi, learned Senior Counsel tenders a copy of Correction Deed dated 6th July 1963 by which it is stated that the said Deed of Conveyance dated 27th March 1961 referred in recital 2 of registered Sale Deed dated 4th August 1995, incorrectly records Survey No.427 and Survey No.438 instead of Survey No.427 and Survey No.436 and therefore he states that rightly the compensation is paid to the present Applicant

8. In any case, the perusal of the record shows that the dispute is concerning various documents which are registered documents. The Applicant has purchased the subject property by registered Sale Deed dated 4th August, 1995. The FIR has been lodged on 5th September 2024 i.e. after a period about 29 years alleging that property purchased, is a reserved forest.

9. A learned Single Judge by detailed order dated 24th October 2024, has granted interim protection which continues till date. There is nothing on record to indicate that the said protection is misused by the Applicant. The Applicant is a senior citizen of 75 years.

10. Accordingly, in the facts and circumstance, case is made out for grant of anticipatory bail. In view thereof, following Order is passed:

ORDER

- (i) In the event of arrest, the Applicant - Janardhan Moru Mhatre be released on bail in C.R. No.547 of 2024 registered with Panvel City Police Station, Navi Mumbai on executing P.R. bond of Rs.1,00,000/- and furnishing one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station on 23rd February 2026 and 24th February 2026 between 11.00 a.m. to 2.00 p.m. and thereafter as and when called by the Police and shall co-operate with the investigation.
- (iii) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

- (iv) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (v) The Applicant shall not leave India without prior permission of the Court.
- (vi) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant, or any witness, in any manner.

11. The Anticipatory Bail Application is allowed and disposed of accordingly.

(MADHAV J. JAMDAR, J.)