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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 859 OF 2026

Kapil Arvind Pathak : Applicant
Versus
State of Maharashtra & Anr. : Respondents.

Mr. Ashok Kumar Dubey i/by SAVJ Law Solutions for the Applicant.

Mrs. Anuja Gotad, APP for the Respondent/State.

Mr. Arpit Mutha for Respondent No.2.

PSI Santosh S Funde, Indiranagar Police Station, Nashik City, present.

CORAM : ASHWIN D. BHOBE, J.

DATED : 05 MAY 2026

PC:-

1. By the present Application, Applicant seeks pre-arrest bail, apprehending arrest in Crime No. 0471 of 2025 dated 31 December 2025, registered with the Indira Nagar Police Station (FIR), for the offences punishable under Sections 318(4), 316(2), 336(2), 338, 336(3), 340(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023.

2. There are 8 accused in the present crime. Mr. Ashok Kumar Dubey, learned Advocate for the Applicant, states that Applicant is Accused No.2 whereas Almas Karim Sayyed is Accused No.6 in this crime.

3. The case of the prosecution is that the Applicant (Accused No. 2), an Advocate by profession, is instrumental in a land-grabbing syndicate. Applicant is involved in creating false documents and thereafter transferring the properties in the name of his wife Almas Karim Sayyed (Accused No. 6). Allegations of impersonation and the creation of false documents are made in the FIR.

4. Mr. Ashok Kumar Dubey, learned Advocate for the Applicant, submits that the FIR does not contain any allegations against the Applicant for making out a case in respect of the offences charged. He submits that though the allegations are that the Applicant and Almas Karim Sayyed, to be husband and wife, he specifically disputes the said relationship of the Applicant (Kapil Arvind Pathak) and Almas Karim Sayyed. To clarify, he states that Kapil Arvind Pathak (Applicant) and Almas Karim Sayyed are not husband and wife. He submits that though the Applicant has identified the vendor and the purchaser in the sale deed, which is alleged to be a product of fraud and impersonation, he, on instructions, maintains that the person Sudhir Jamnadas Gujrathi is rightly identified in the sale deed. He submits that the custodial

interrogation of the Applicant is not required. He submits that a civil suit is also pending in respect of the said sale deed.

5. Ms. Anuja Gotad, learned APP for the Respondent/State, submits that the Applicant and his wife Almas Karim Sayyed are involved in the land grabbing syndicate. She submits that the investigation has revealed that the Applicant has criminal antecedents in the nature of FIR bearing No.466 of 2025 and FIR bearing No.259 of 2024. She highlights that the offences in all the three FIRs are identical and similar. She submits that the modus operandi of the Applicant, his wife Almas Karim Sayyed and other Accused is to grab the land of gullible victims. She submits that the custodial interrogation of the Applicant is required to unearth the land-grabbing racket.

6. Mr. Arpit Mutha, learned Advocate for Respondent No.2, submits that the FIR demonstrates a clear syndicate of land grabbing. He submits that the Applicant and his wife Almas Karim Sayyed are involved in identifying lands belonging to persons from the lower strata, thereafter impersonating them and purchasing the property in their name. He submits that the involvement of the Applicant is clearly disclosed in the FIR.

7. Considering the nature and the gravity of allegations, the manner in which a person (Sudhir Jamnadas Gujrathi) was identified by the Applicant, prima facie case of impersonation has been made out. The Applicant is instrumental in identifying both the purchaser and the vendor

in the sale deed. Mrs. Anuja Gotad, learned APP for the Respondent/State, submits that the material on record has indicated that the person who is shown as vendor in the sale deed is not Sudhir Jamnadas Gujrathi. She was at pains to submit that all the documents of impersonation have been fabricated.

8. In addition to the gravity of offence, the Applicant has two more criminal antecedents of identical or similar nature. The Hon'ble Supreme Court in the case of *Sharad Sehgal Vs. State of U.P.*¹ in paragraph 6 has observed that the criminal antecedents of an Accused by itself are sufficient to deny anticipatory bail.

9. For the reasons stated herein above, this Anticipatory Bail Application is dismissed.

(ASHWIN D. BHOBE, J.)

¹ 2026 SCC OnLine SC 740