

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

ANTICIPATORY BAIL APPLICATION NO.1070 OF 2026

Rahul Jayprakash Lunawat And Anr. : Applicants
Versus
The State of Maharashtra : Respondents.

Mr. Prasad Dhakephalkar, Senior Advocate (Through V.C.) a/w
Advocates Vivek Punjabi & Sahil Panjwani for the Applicants.
Mrs. Anuja Gotad, APP for the Respondent/State.

**CORAM : ASHWIN D. BHOBE, J.
DATED : 29 APRIL 2026**

PC:-

1. Heard Mr. Prasad Dhakephalkar, learned Senior Advocate for the Applicants and Mrs. Anuja Gotad, learned APP for the Respondent/State.

2. The Applicants in this Application, who are the owners of the property at Nandurdasak, Nashik, are before this Court seeking pre-arrest bail in connection with Crime No. 64 of 2026 registered at the Sarkarwada Police Station, Nashik ("FIR"), for offences punishable under Sections 335, 336(2), 336(3), 337, 338 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The first informant in the present crime is the Deputy Superintendent of Land Records, Nashik. The case of the prosecution in the said FIR is that by virtue of Government Notifications dated 8 November 2013 and 9 January 2017, every residential development project exceeding 4,000 square meters within the jurisdiction of the Nashik Municipal Corporation was required to reserve 20% of its land for housing of Economically Weaker Sections ('EWS') and Low-Income Groups ('LIG'), to be allotted through MHADA. In order to circumvent this statutory obligation, it is alleged that the landowners, project developers, and their unknown associates prepared fabricated Hissa forms and forged survey maps to show sub-divisions of large parcels of land as if they had been lawfully effected prior to the notification of 8 November 2013. These counterfeit records bore forged signatures and seals and were submitted to the Tehsil office to create false and bogus separate 7/12 extracts without any lawful survey measurement. Upon discovery of irregularities, the Collector, Nashik, constituted an inquiry committee by an order dated 30 September 2024. The inquiry committee examined 108 cases of land fragmentation and found that in 49 instances, including land bearing Survey No. 70/1 at Gangapur, owned by the Applicant, fraudulent survey maps and fabricated subdivision records had been used to mislead authorities. It is further alleged that such acts amount to a calculated deception and forgery, intended to cheat the State Government, cause wrongful loss to MHADA, the Revenue

and Land Records Departments, and frustrate the object of the Inclusive Housing Policy.

4. Mr. Prasad Dhakephalkar learned Senior Advocate, submits that the co-accused (Ganesh Baban Gite, Ravindra Nivrutti Gaikwad, Vikram Digvijay Kapadia and Abhishek Narendra Thakker), in the FIR, on facts like those of the Applicants herein, had filed Criminal Anticipatory Bail Application Nos. 845 of 2026, 1110 of 2026, 1080 of 2026 and 1085 of 2026 seeking pre-arrest bail in the FIR. He submits that by orders dated 18 April 2026 and 27 April 2026, this Court allowed the afore-referred anticipatory bail applications. He relies on the said orders granting bail to the co-accused in support of his case in this Application. He submits that the allegations in the FIR against the Applicants herein are similar and identical to those of the co-accused who are secured by pre-arrest bail in the FIR. He therefore seeks bail on the ground of parity.

5. Mrs. Anuja Gotad, learned APP for the Respondent/State, does not contest the statements made by Mr. Prasana Dhakephalkar, learned Senior Advocate for the Applicant. She submits that the allegations against the co-accused who have been granted pre-arrest bail in Anticipatory Bail Application Nos. 845 of 2026, 1110 of 2026, 1080 of 2026 and 1085 of 2026 are similar and identical to the allegations made against the Applicants herein, and such parity would apply to the case of this Applicant.

6. Perused the records.

7. The allegations against the Applicants herein in the FIR are similar to and in some respects identical to the allegations made against the Applicants who were before this Court in the Criminal Anticipatory Bail Application No. 845 of 2026, 1110 of 2026, 1080 of 2026 and 1085 of 2026.

8. Upon perusal of the FIR, the difference, if any, between the Applicants and the co-accused in the afore-referred Anticipatory Bail Applications is that the co-accused were subsequent purchasers, whereas the Applicants in this Application are the original owners of the land. Apart from this fact, there appears to be no other difference between the allegations made in the FIR against these Applicants and those against the co-accused who are secured by pre-arrest bail.

9. This Court, after considering the contentions of the prosecution in paragraphs 15 and 16 in the order dated 18 April 2026 passed in Criminal Anticipatory Bail Application No. 845 of 2026, has observed as follows :-

15. The prosecution's case is predominantly founded on documentary evidence, which is already in the custody of the investigating agency. No recovery is sought to be effected from the applicant. In such circumstances, custodial interrogation is not warranted, particularly when the applicant has expressed willingness to co-operate with the investigation and furnish specimen signatures and handwriting as required. It is brought to the notice of this Court that in respect of similarly situated co-accused, this Court has, in its writ jurisdiction, by an order dated 17 April 2026, directed that no coercive steps be taken.

16. Admittedly, while the allegations pertain to economic

offences of some seriousness, it is well settled that the gravity of the offence alone cannot be decisive. In the facts and circumstances of the present case, the balance tilts in favour of protecting the applicant's liberty, particularly when the prosecution has not demonstrated the necessity of custodial interrogation. In view of the foregoing, this Court is of the opinion that the applicant has made out a case for grant of anticipatory bail. The application, therefore, deserves to be allowed, subject to appropriate conditions to ensure co-operation with the investigation."

10. Mr. Prasad Dhakephalkar learned Senior Advocate for the Applicants, submits that the Applicants shall cooperate with the Investigation in the FIR.

11. In view of the above, by adopting the reasons in the order dated 18 April 2026 passed in Criminal Anticipatory Bail Application No. 845 of 2026, the Applicants herein are entitled to pre-arrest bail on the principle of parity.

12. This Application is allowed on the following terms:-

- (a) In the event of arrest of the Applicants in CR No.64 of 2026, registered with Sarkarwada Police Station, Nashik, the Applicants shall be released on bail on furnishing a PR bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one or two local sureties in the like amount.
- (b) Applicants shall report to the Investigation Officer, Sarkarwada Police Station, Nashik on the 2nd Saturday of every month between 11.00 am to 12.00 pm., commencing from the month of May

2026. In the event the Applicants are required on any other day by the Investigating Officer, the Applicants shall ensure his presence before the Investigating Officer.

- (c) Applicants shall not directly or indirectly make any inducement, threat or promise to any person/s acquainted with the facts of the case to dissuade such person/s from disclosing the facts to the Court or any police officer.
- (d) Applicants shall not tamper with evidence in any manner.
- (e) Applicants shall provide the Investigation Officer with their residential address along with proof, their contact number, email and must inform the Investigating Officer of any changes to this information from time to time.
- (f) Applicants shall cooperate with the Investigating Officer in the process of investigation of the impugned FIR.

13. The Criminal Anticipatory Bail Application No. 1070 of 2026 is disposed of.

14. It is clarified that the observations made herein are confined to determining the Applicants entitlement to pre-arrest bail only.

(ASHWIN D. BHOBE, J.)