

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION. NO. 1274 OF 2026

1. Siddharam Channappa Tellungai .. Applicants
2. Sohail Sopan Tamboli

V/S.

The State of Maharashtra .. Respondent

Mr. Ayush Pasbola, for the Applicants.

Mr. Ashok S. Gawai, APP for the Respondent/State.

Mr. Dipak Bhoi, API, Pali Police Station, Raigad present.

CORAM : SHREERAM V. SHIRSAT, J.

DATE : 28TH MAY 2026.

(VACATION COURT)

PC:

1. This is an application for Anticipatory Bail under Section 482 of Bhartiya Nagrik Suraksha Sahita 2023. The Applicants are apprehending arrest in C.R. No. 2 of 26 registered with Pali Police Station for the offences under Section 318(4), 336(1), 336(2), 336(3) and 338 of Bhartiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that the complainant Smt. Yashoda Dattu Lahane is the owner and in possession of the ancestral land bearing Survey No. 5/5 admeasuring 1032-00, No. 6/3 admeasuring 0-51-60 and No. 6/5 admeasuring 0.01.00 totally admeasuring 1-84-60 acres. It is the

case of the prosecution that in the year 2023, she met one Naresh Chandrakant Birasdar and one Balasaheb Ramlingrao Shinde, through intermediaries Mahendra Narayan Patil, Tulshiram Pandurang Pawar and Dilip Mohan Mohite and they had discussion with respect to the purchase of her undivided share in the property mentioned hereinabove. It is the case that Narendra Birajdar and Balasaheb Shinde offered in total Rs. 10,61,450/- after obtaining necessary permission for its sale. It is the case of the prosecution that on 23rd January 2023, Naresh Birasdar and one Balasaheb Shinde, Mahendra Patil and the intermediary Tulshiram Pawar invited her to Pali and handed over cheque No. 133189 of Rs. 1 lakh and Rs. 50,000/- in cash and orally assured to pay the balance amount in stages after obtaining necessary permission for sale of the land/change of nature of land/execution of sale deed. It is also further the case of the prosecution that they also obtained her signature and thumb impression on the said document. It is further the case that Mahendra Narayan Patil transferred Rs. 1 lakh into her account and orally assured to pay the balance amount. It is further the case into year July 2024 her nephew, Chintaman Sukhdhare, brought to her notice that the 7/12 extract discloses the names of Narendra Birajdar and Balasaheb Shinde and inquired with her with respect to the receipt of the full amount which was agreed to which she informed that only 1,50,000/- was received by her and Drupati Shirdhar Sawant had received an amount of Rs. 1,00,000/- and there was amount outstanding. It is further

the case that the complainant tried to contact Tulshiram Pandurang Pawar who gave evasive reply therefore she suspected their intentions. It is the case that she obtained copy of sale deed from the office of Registrar and on perusal she realized that she had not fixed her thumb impression on the said document. It is further the case of the prosecution that Naresh Birajdar and other co-accused, including applicants had forced her signature and that of the witness and affixed the photograph of one Dhondabai Umaji Kapse. It is further the case that since 23rd January 2023, she never visited office of the Registrar and had not signed on the sale deed or affixed her thumb impression or photograph. It is further the case that the cheques which were issued thereafter came to be dishonored. Therefore, an FIR came to be registered against the accused, including the present applicants.

3. Heard learned counsel for the Applicants Mr. Ayush Pasbola and the learned APP for the respondent.

4. The learned counsel for the Applicants submitted that the present applicants are innocent and have nothing to do with the alleged offence and they have merely acted as a 'Witness' to the sale deed which was executed by the other accused with the complainant. He submitted that there is no inducement that has been made by the present applicants in any manner. The Ld. Counsel for the Applicants also invited the attention of this Court to the consent terms which were entered into between the wife of one of the

co-accused Naresh Birajdar and the complainant and pointed out that there is an agreement between them to pay the amount. The Ld. Counsel further submitted that even otherwise, they are not concerned with the same as they were merely witness to the sale deed. The Ld. Counsel further submitted that this Court has granted interim protection to the principal accused and that the same is still pending and another co-accused has been released on regular bail by this court.

5. Per contra, the learned APP has not disputed about the parties having entered into consent terms, however, submitted that the application be rejected.

6. Having perused the FIR, *prima facie* it can be seen that the role of the applicants is limited to being Witness to the Sale Deed which was executed by the co-accused and the complainant and beyond that, there is no allegation by the complainant against the present applicants that they have in any manner induced her or coerced her into signing of any forged documents or that they have forged any documents. It is also not the case of the prosecution that any amount has been transferred into the account of the present applicants. The fact that the applicants have signed as 'Witness' can be made out from the sale deed which is annexed to the application, where their signatures can be seen as having signed as a 'Witness'. Further the other co-accused Narendra Birajdar against whom there are allegations,

has, through his wife, entered into consent terms with the complainant for repayment of the amount, and he has been granted regular bail by this Court. Another co-accused by name Balasaheb Shinde has been granted interim protection by this court pending the Anticipatory Bail application preferred by him. Taking into consideration all these aspects, this Court is of the opinion that discretion of granting Anticipatory bail can be exercised in favour of the present applicants on the following terms and conditions:

- I. The Application is allowed. In the event of arrest, the applicants in C. R. No. 2 on 2026 registered with the Pali Police Station, be released on bail on executing a PR bond in sum of RS. 25,000/- with one or two sureties in the like amount.
- II. The Applicants shall attend the Pali Police Station as and when called for.
- III. The Applicants shall not tamper with the evidence or in any manner, directly or indirectly, make any inducement, threat or promise to any person acquainted with that facts of the case so as to dissuade him the disclosing such facts to the court or to any Police Officer.
- IV. The Applicants shall make themselves available for interrogation by the concerned police station as and when called

for.

V. The applicants shall not leave India without the prior permission of the Court. Passport if any be deposited with the investigating officer.

8. Application is disposed of in above terms.

(SHREERAM V. SHIRSAT, J.)