

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

ANTICIPATORY BAIL APPLICATION NO.438 OF 2026

Sakharam Bhikan Bengale	... Applicant
Vs.	
The State of Maharashtra & Anr.	... Respondents

**WITH
INTERIM APPLICATION NO.617 OF 2026
IN
ANTICIPATORY BAIL APPLICATION NO.438 OF 2026**

Mr. Sanjeev Kadam, Senior Advocate a/w Pavan S. Patil a/w Lalit Jhunjhunwala, Shubham Saraf a/w Tanmay Deshmukh a/w Varsha Thorat & Makrand Shinde for the Applicant.

Mr. V. N. Sagare, APP for the Respondent-State.

Mr. Kuldeep Nikam a/w Prasad Avhad a/w Nishi Singhvi for the Intervenor.

API D. P. Patil, EOW, Pune City is present.

CORAM : N.R. BORKAR, J.
DATE : 09TH MARCH 2026

PC. :

1. This is an Application for anticipatory bail.
2. The Applicant is apprehending his arrest in Crime No.560 of 2025 registered with Khadak Police Station, Pune City for the offences punishable under Sections 316(2), 336(2), 336(3), 338, 340(2), 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 82 of the Indian Registration Act, 1908.
3. It is the case of the prosecution that one Sakharam Bhikam Bengale

and his other family members were the owners of the land bearing Survey No.56/3, 56/4 and 56/5 admeasuring 04H 30R at village Kharadi, Taluka Haveli, District Pune, which was Maharvatan land. It is alleged that on 29th November 2024, the present Applicant got executed sale deed in his favour of 1H 80R land out of the said 4H 80R land on the basis of power of attorney allegedly executed by original landowners on the basis of the documents in respect of payment of Nazrana amount etc., which were not in favour of the Applicant. It is alleged that on the date of the execution of sale deed some of the land owners who allegedly executed power of attorney were not alive.

4. I have heard Learned Senior Counsel for the Applicant, Learned APP for the Respondent-State and Learned Counsel for the Intervenor.

5. Learned Senior Counsel for the Applicant has drawn my attention to the report submitted by the Senior Police Inspector of Khadak Police Station to the Deputy Commissioner of Police, Zone I, Pune City, pursuant to the complaint lodged by one of the landowners. It appears from the said report that the dispute between the parties was found to be of a civil in nature. The learned senior counsel submits the power of attorney was irrevocable power of attorney as entire consideration was paid to the land owners and thus some of the land owners were not alive on the date of sale deed is of no consequence. It is submitted that there is no need of custodial interrogation and the Applicant is ready and willing to cooperate in the investigation.

6. Learned APP for the Respondent-State and Learned Counsel for the Intervenor have drawn my attention to the Sale Deed dated 29th

November 2024 in favour of the Applicant. It is submitted that, according to the Applicant, he has paid the amount of Rs.1,35,00,000/- towards consideration, however, there is nothing to show that the said amount was paid to the landowners. It is submitted that as the land in question was Maharvatan land, the Nazrana amount was required to be paid to government before sale. It is submitted that as the Applicant failed to pay the amount of Nazrana to government agreement of sale in his favour was terminated. It is submitted that the landowner then executed agreement of sale in favour of one Suraj Patil. It is submitted that the Applicant has used the certificate of Nazrana amount paid by Suraj Patil to get the sale deed executed in his favour. It is submitted that considering the nature of crime, the Applicant may not be released on anticipatory bail.

7. I have perused the FIR. It appears that after conducting the inquiry in respect of sale deed in favour of Applicant, the Sub-Registrar has lodged the FIR in question. *Prima facie*, it appears that the Applicant has used the certificate of Nazrana amount of Rs.2,70,25,056/- paid by Suraj Patil to get his sale deed registered. There is nothing to show that the Applicant has paid Rs.1,35,00,000/- to the landowners towards consideration. Considering the overall facts and circumstances of the case, I am not inclined to release the Applicant on anticipatory bail. Hence, the present Anticipatory Bail Applicant is rejected.

8. The Interim Application, if any, stands disposed of.

(N.R. BORKAR, J.)