

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION NO. 81 OF 2026**

Yogesh s/o Kevalram Mhashkhetri

..vs..

State of Maharashtra

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 Office Notes, Office Memoranda of Coram,  
 appearances, Court's orders of directions  
 and Registrar's orders  
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Court's or Judge's orders

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 Shri Madhur Deo, Advocate for the applicant.  
 Shri A.A. Madiwale APP for the State.

**CORAM: M.M. NERLIKAR, J.**

**DATE : 10.02.2026.**

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.814 of 2025 registered with the Gadchiroli Police Station, District Gadchiroli for the offence punishable under Section 318(4) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. The informant lodged the report against the present applicant alleging that the applicant who is dealing in the business of real estate, sold two plots to the informant and an agreement was executed between them. However, on the date of registration of sale deed, the original owner of the plot refused to register the sale deed as it was alleged by him that the present applicant had not paid the sale consideration to him. Subsequently, the informant came to know that the applicant is not the original owner of the said property and he has duped the informant and his relatives to the tune of Rs.31,13,000/-. Therefore the FIR has been lodged against the present applicant.

4. Learned Counsel for the applicant submits that the applicant is the developer. One Dadaji Nagose is the original owner of the land. Initially, there was agreement in respect of one plot however, later on by oral agreement, the original owner had asked the present applicant to develop other plots. But, instead of developing, the present applicant has entered into an agreement to sell with other persons by accepting the earnest amount and accordingly, issued notarized agreement to sale to them. There was some dispute between the original owner and the present applicant as the land owner refused to execute the sale deed in favour of those persons with whom the applicant has entered into an agreement to sell. Therefore, he submits that there was no intention of the present applicant to keep the amount of those persons. It is further submitted that the applicant has repaid some amount to those persons. The applicant if released on bail, he will take all efforts to return entire amount to the concerned person. The dispute is of civil in nature however criminal color has been given to the entire dispute. Therefore, the applicant may be enlarged on bail, as the investigation is complete and charge-sheet has been filed and the applicant is in jail since 04.09.2025.

5. *Per contra*, learned APP opposes the application on the ground that the Investigating Officer has recorded the statements which shows that the applicant was not the owner of the land for which he entered into an agreement to sell with other persons and siphoned the amount from those persons. The applicant has duped the persons for more than Rs.31 lakhs. Considering the

serious allegations against the present applicant, the application deserves to be rejected.

6. I have heard both the learned Counsel and considered the rival submissions. Perusal of the record show that, there was dispute between the applicant and the original owner of the plot, for which the owner of the plot refused to execute the agreement to sell in favour of those persons with whom the applicant has entered into an agreement to sell. However, as the complaint has been lodged against the present applicant, the applicant had returned some amount to the persons with whom he has entered into an agreement to sell. Prima facie it appears that he is having no intention to dupe the amount. Considering the fact that the investigation is complete and charge-sheet has been filed, the applicant is in jail since 04.09.2025, I am inclined to enlarge the applicant on bail, on certain terms and conditions. Hence the following order :

- (a) The application is allowed.
- (b) The applicant Yogesh s/o Kevalram Mhashkhetri in connection with Crime No.814 of 2025 registered with the Gadchiroli Police Station, District Gadchiroli be released on bail on furnishing P.R. bond of Rs.50,000/- with one surety in the like amount.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

- (d) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency.
  - (e) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
7. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same .
8. All Misc. application(s), pending if any, shall stands disposed of accordingly.

**(M.M. NERLIKAR, J.)**

*Trupti*