

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

CRIMINAL APPLICATION (BA) NO. 304/2026

(Akash @ Shiva S/o Pruthviraj Tiwari Vs. The State of Maharashtra)

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

Court's or Judge's orders

Mr. Sunil Manohar, Senior Counsel assisted by P.R. Agrawal,
 Advocate for applicant.
 Mr. A. Mate. APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 30/03/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.233/2025 registered with Police Station Yavatmal (city), Dist. Yavatmal for the offence punishable under Sections 318(4), 336(2)(3), 340(2), 61, 238, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The brief facts of the prosecution story are that the First Information Report was lodged by one Pritesh Lucky Dinesh Jaiswal on 10/02/2025 alleging that one Anup Mahesh Jaiswal who is the brother-in-law of the informant was having agricultural property at Mouza Waki (parwa), Tq. & Dist. Yavatmal, having Gat No.52/1, admeasuring 8.49 HR. On 27/01/2025 his brother-in-law and Rakesh Dipak Yadav came to be arrested in Crime No.107/2025

registered at Police Station Yavatmal City. It is alleged that accused Nos. 1 to 5 have conspired together and prepared forged documents and executed the sale-deed of the agricultural land belonging to Anup Jaiswal while he was in Jail, at Sub-registrar Office No.2, Yavatmal in the name of accused No.1. The conspiracy is hatched and they have prepared forged sale-deed in order to cheat and cause wrongful loss to his brother-in-law and pursuant to the forged sale-deed, the land owned by Anup Jaiswal was transferred to accused No.1. On the basis of the said report, police have registered crime against in all accused persons.

4. The learned Senior Counsel for the applicant submits that the allegations against the present applicant are that the applicant had trapped Anup Jaiswal in a false case i.e. Crime No. 107/2025. While he was in Jail, the property of Anup Jaiswal was sold at the behest of the present applicant. One Sandeep Jadhav who is also an accused has impersonated Anup Jaiswal, owner of the land before the office of the Sub-registrar, due to which the sale deed got executed. The learned Senior Counsel submitted that there is no evidence either of hatching conspiracy in

Crime No. 107/2025 or in the present case. So far as the present case is concerned, the offences are registered, wherein the maximum punishment provided is of seven years. Apart from confessional statement of Sandeep Jadhav, who was presented before the Sub-registrar as Anup Jaiswal, there is nothing in the entire charge-sheet against the present applicant. Even the aforesaid confessional statement cannot be considered while granting bail as it is inadmissible. Though this Court has rejected the applicant's application for anticipatory bail, however, he was on ad-interim bail, even the Hon'ble Supreme Court had granted him interim relief. However, at a later point of time, his application for anticipatory bail was rejected which was upheld by the Supreme Court. He submits that the applicant is behind bars since 20/11/2025, considering the fact that the entire case depends upon the documentary evidence, no further custody would be required of the applicant, as the investigation is over and charge-sheet is filed, therefore he be released on bail.

5. On the other hand, the learned APP strongly opposes the application and submits that it is the present

applicant who has hatched a conspiracy with other persons. Initially, the applicant has hatched conspiracy by implicating Anup Jaiswal in a false case i.e. Crime No. 107/2025. The said case was registered under the provision of Narcotic Drugs and Psychotropic Substances Act, 1985 as well as the Arms Act. He submits that case was only registered keeping in mind that if Anup Jaiswal is sent to Jail, behind his back, the property could be sold. Accordingly, one Sandeep Jadhav has impersonated Anup Jaiswal, while he was in jail and the property was sold to Sachin Raut, another associate of the present applicant. To substantiate this contention, he relied upon the CDR reports, which shows calls between Sachin Raut and the present applicant. He further submits that the applicant is involved in a large conspiracy and it is not only restricted to the documentary evidence. The present applicant has prepared fake Aadhaar and PAN cards in the name of Anup Jaiswal by annexing the photographs of Sandeep Jadhav. Therefore, it was submitted that as there is sufficient evidence against the applicant, he may not be granted bail.

6. I have considered the rival submissions. Admittedly, it appears that from Crime No. 107/2025 Anup Jaiswal was discharged. However, in the said crime, Rakesh is being prosecuted along with the present applicant. It further appears that the original owner of the said land was Anup Jaiswal. It is the case of the prosecution that the applicant was intending to sell the property owned by Anup Jaiswal by hook or crook, hatched a conspiracy and Anup Jaiswal was implicated in Crime No. 107/2025. While Anup Jaiswal was in jail, said property was sold to one Sachin Raut by presenting co-accused Sandeep Jadhav in place of Anup Jaiswal. Accordingly, the sale-deed was executed in the name of Sachin Raut by Sandeep Jadhav. It appears that fake Aadhaar and PAN cards were prepared in the name of Anup Jaiswal, wherein the photograph of Sandeep Jadhav was annexed. It is further to be noted that in this entire episode except for the statement of Sandeep Jadhav who has implicated the present applicant by stating that he has created his fake Aadhaar and PAN cards, there is nothing on record. Even that statement is inadmissible. Apart from that, there is no concrete evidence in the entire charge-

sheet to show that there is nexus between Sachin Raut who is the purchaser of the said property and the present applicant except for some calls between them. Even for the offences registered against the applicant, maximum punishment provided is of seven years . The applicant is in jail since 20/11/2025. Considering the nature of material collected by the investigating officer and the fact that the investigation is already over and charge sheet is filed, I am inclined to grant bail, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Akash @ Shiva S/o Pruthviraj Tiwari be released on regular bail in connection with Crime No.233/2025 registered with Police Station Yavatmal (city), Dist. Yavatmal for the offence punishable under Sections 318(4), 336(2)(3), 340(2), 61, 238, 3(5) of the Bharatiya Nyaya Sanhita, 2023 on his furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.
- (iii) The accused 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.

(iv) The accused shall provide his residential address and cell number to concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.

(v) The applicant/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.

(M. M. NERLIKAR, J.)

Gohane