



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 31 OF 2026

(Shaikh Zahed s/o Shaikh Nasir and ors Vs. The State, thr PSO, PS Old City, Akola)

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

Court's or Judge's orders.

Mr. A.M. Tirukh, Advocate for applicant.
Ms. D.V. Sapkal, APP for respondent /State.

CORAM : M.W. CHANDWANI, J.
DATE : 11.03.2026.

Heard Mr. Tirukh, learned counsel for the applicants and learned APP for non-applicant/State and Mr. Z.Z. Haq, learned counsel assisting the prosecution.

2. The applicants are seeking anticipatory bail in connection with Crime No. 778/2025, registered with Police Station, Old City, Akola, for the offences punishable under Sections 420, 467, 468, 471 r/w 34 of Indian Penal Code.

3. Perusal of the case diary reveals that property at mouza Akkalkot, 4356 SqFt out of Survey No. 2/2, land area 1.73 HR belongs to the complainant. The said property has been inherited by the complainant from his father. Suddenly, the complainant received a notice for mutation of the said land in the name of applicant Nos. 3 and 4 on the basis of Hiba executed by applicant No.1 through his power of attorney – applicant No.2. At that time, the complainant came to know that applicant No. 1 claims to have purchased

the property from his father. When the complainant appeared before Tahsildar, Akola, it was revealed that the applicants have not filed any sale deed but have only filed extract of Index No. 2. Later on, it was found that on the same index No. 2, the other document is shown to be registered by the said Sub Registrar Officer, which appears to be forged. Therefore, on the complaint of complainant, the aforesaid offences came to be registered against the applicants.

4. It is contended on behalf of the applicants that applicant Nos. 5 and 6 who are the son-in-law and daughter of applicant No. 1 have nothing to do with the crime, since the Hiba has been executed in favour of applicant Nos. 3 and 4, the brothers of applicant no. 5.

5. According to the submission of the learned counsel for the applicant, though applicant Nos. 3 and 4 are the beneficiaries of said Hiba, fabrication and forging of the document cannot be attributed to them just because they are beneficiaries of the said property. It is also contended that applicant No. 2 is merely the power of attorney holder of applicant No.1 and therefore, knowledge cannot be attributed to him.

6. So far as applicant No.1 is concerned, learned counsel for the applicants submits that there is no allegation against the applicant of making any false documents and therefore,

the alleged offence under Section 464 of making false documents and consequently, the other allied sections do not apply to applicant No.1. Therefore, the learned counsel prayed for anticipatory bail for the applicants.

7. As against this, learned APP appearing for non-applicant/State assisted by Mr. Z.Z. Haq has submitted that producing forged documents itself goes to suggest that the documents have been prepared by applicant No.1, who is a beneficiary of the said documents. According to the learned APP, there is involvement of applicant No.1 in the crime and all other applicants were aware about this forged Index No. 2. Learned APP submits that custodial interrogation of the applicants is required and hence, he has prayed for rejection of the application.

8. It appears that by forging Index No.2, applicant No.1 has been shown to have purchased the property from the father of the complainant in the year 1990 and till the year 2024, no mutation was done. It is appearing from original Index No.2 that by the same serial number, another document has been registered. Therefore, prima facie, this is a case of forged documents being used for getting benefits. Indeed, the said documents have been produced by applicant No. 1 through his power of attorney holder and he himself is a beneficiary of the said document. Therefore, his involvement cannot be ruled out. Though, the certified copy of Index No.2 is shown to be registered by Sub

Registrar, Akola, there may be involvement of other co-accused and hence, detailed investigation is required to be done in this regard. For this purpose, custodial interrogation of applicant No. 1 is necessary.

9. So far as applicant Nos 5 and 6 are concerned, they are the son-in-law and daughter of applicant No.1. They were protected by interim order of this Court dated 14.01.2026 and asked to remain present before the Investigating Officer. Accordingly, they have attended the concerned Police Station and cooperated in the investigation.

10. No doubt, the Hiba has been executed in favour of applicant Nos. 3 and 4 by forging documents, however, whether applicant Nos. 3 and 4 had knowledge and they had common intention with other co-accused or not cannot be determined at this stage, as it is a matter of trial. Having said that, nothing is required to be seized from them and therefore, their custodial interrogation may not be required.

11. Applicant No. 2 is the son of applicant No.1 as well as his power of attorney holder and therefore, at this stage, it cannot be said with certainty whether he had knowledge that the documents are forged. Whether he share common intention with the other co-accused is a matter of trial. Hence, his custody also may not be required as nothing remains to be seized from him.

12. Consequently, a case is made out for grant of anticipatory bail to applicants Nos 2 to 4 as well as continuation of the ad-interim protection granted to applicant Nos. 5 and 6; whereas, the application for grant of anticipatory bail of applicant No.1 is hereby rejected. Hence, following order is passed:

i) In the event of arrest, in connection with Crime No. 778/2025, registered with Old City Police Station, Old City, Akola, applicant Nos. 2 to 4, namely, Wahed s/o Zahed Shaikh, Atique Ahmed s/o Gulam Jilani and Shafique Ahmed s/o Gulam Jilani, respectively, be released on bail on furnishing a P.R. bond of Rs. 25,000/- each with one solvent surety each in the like amount.

ii) The ad interim protection granted to applicant Nos. 5 and 6 vide order dated 14.1.2026 is hereby confirmed.

iii) The applicant Nos. 2 to 4 shall attend the concerned Police Station every Thursday, between 10.00 to 12.00 hrs and shall cooperate in the investigation.

iv) Applicant Nos. 5 and 6 shall attend the concerned Police Station as and when directed by the

Investigating Authority.

v) The applicants shall not tamper with the prosecution evidence or threaten the prosecution witnesses.

Needless to mention that, the observations made in this order are strictly prima facie and restricted to the extent of deciding this anticipatory bail application.

With this, the application stands disposed of.

JUDGE

Belkhede