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

CRIMINAL APPLICATION (ABA) NO. 51 OF 2026

(Deepak s/o Vitthalprasad Dube and anr Vs. State, thr PSO, PS Mankapur (City), Dist.
Nagpur)

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

Court's or Judge's orders.

Mr. A.N. Shinde, Advocate for applicants.
Mr. C.A. Lokhande, APP for non-applicant/State.

CORAM: RAJNISH R. VYAS, J.

DATE: 22.04.2026

Heard.

2. Apprehending arrest, the applicants/original accused nos. 1 and 2 have approached this Court for the grant of anticipatory bail in connection with Crime No. 447/2025, dated 23.9.2025, registered with Police Station, Mankapur, Dist. Nagpur, for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.

3. The aforesaid FIR was lodged at the instance of one Smt.Pramila Kishor Gaikwad @ Smt. Pramila Shankar Jadhao. The name of father of the applicant is Shankar Jadhav and name of brothers of the informant one Ramesh and Dinesh. The father of the informant died on 2.11.2005 whereas the mother died on 27.11.2019. Late Shankar had purchased agricultural fields Khasara nos.30/2 and 31/2 in the year 1964 from one Sitaram Vithoba Wankhede.

4. After the death of Shankar, it is alleged in the FIR, that the names of the legal heirs should have been recorded in the 7/12 extract but in the year 2017, the informant came to know that the name of one Dilip Gwalvanshi and Mohd. Badruddin Khan had been recorded.

5. The informant then made an enquiry and came to know that in the year 2014, that part of the land bearing Khasara Nos. 30/2 and 31/2 was found recorded in the name of Sarg Overseas Pvt Ltd through Dilip Gwalvanshi and part of land in Khasara no. 30/2, more particularly, 0.40 HR recorded in the name of Mohd. Imran Mohd Badruddin.

6. On further enquiry, it revealed that the informant's brother namely Dinesh, had sold part of the property in Khasara No. 30/2 in favour of Mohd. Imran without obtaining no a objection from the legal heirs and by impersonating the legal heirs. Accordingly, FIR No. 52/2023 was registered at Kotwali Police Station, for offences punishable under sections 420, 465, 467, 468, 471 read with Section 34 of IPC.

7. It was further alleged that when the informant visited the agricultural field in question to fence the property, the people residing in the nearby area informed her that they had purchased the property from Netaji Housing Society.

8. Those persons then called the applicant, who was the President of the society and applicant no. 2 who was working with applicant no.1. Applicant no. 2 visited the spot and told

that the agricultural property had been purchased from Shankar Jadhao by way of a registered sale deed. The informant then lodged complaint with Mankapur Police Station where she came to know that on 4.9.1993, her father Shankar had executed a power of attorney in respect of the entire land admeasuring 7.72 Acre in favour of Satyendral Chavan. The informant alleged that the said power of attorney was not registered, and that Satyandra Chavan and the applicant no.1 had entered into an agreement to sale dated 28.9.1993 regarding land admeasuring 6.72 Acre. The said agreement to sell was also not registered.

9. According to the FIR, when the informant made further enquiry, she came to know that her father, through a power of attorney holder Satyendra Chauhan had sold the land admeasuring 6.21 Acre in Khasra no. 30/2, mouza Gorewada, and land 1.51 Acre in Khasara No. 31/2 by way of registered sale deed no. 2568/1993 to Netaji Cooperative Housing Society through applicant no.1. The informant had perused the said document on which she found that the power of attorney was not attached to the sale deed. She further stated that since 1993, the name of Netaji Cooperative Housing Society had not been recorded in 7/12 extract. According to the FIR, Netaji Cooperative Housing Society earmarked 159 plots and by representing itself as the owner, sold the plots to different persons. It was further alleged that in the year 2022, the applicant no.1 had executed a power of attorney in favour of applicant no. 2 who had also sold the land admeasuring 6.72 Acres. It is these, narration of facts resulted into registration of the FIR.

10. The learned counsel for the applicant has submitted that the allegations made in the FIR would prima facie show that the dispute involved is predominantly of a civil nature. He further submits that applicant no. 1 has suffer brain-stroke, therefore, prayed for allowing the application.

11. Per contra, the learned APP submitted that the conduct of the applicants disentitles them from claiming anticipatory bail, as they have provided an incorrect address and have not cooperated with the Investigating Agency. It is further contended by the learned APP that the original documents are not handed over by the applicants.

12. Per contra, the learned counsel for the applicants, on instructions, has stated that the applicants are willing to hand over the documents in their possession if demanded by the Investigating Agency. He further assures that the Aadhar Card, PAN Card and other documents showing their residential as well as their mobile numbers, will also be provided.

13. The allegation in the FIR is about transfer of immovable property by the brothers of the informant in favour of various persons, without obtaining a no objection from the other legal heirs. Prima facie, it appears that one of the legal heirs transferred the property illegally. At this stage, the dispute appears to be of a civil nature. The applicant Nos. 1 and 2 have attended the police station. Insofar as the argument of the learned APP that the applicants have not cooperated and have

not handed over the original documents is concerned, the learned counsel for the applicants, on instructions, has made a statement that the applicants will hand over the documents as demanded by the Investigating Agency. Since, at this stage, custodial interrogation of the applicants is not necessary, the following order is passed.

ORDER

i) In the event of arrest in connection with Crime No. 447/2025, dated 23.9.2025, registered with Police Station, Mankapur, Dist. Nagpur, for the offence punishable under Section 420 read with Section 34 of Indian Penal Code, the applicants be released on bail on furnishing a PR. bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with one solvent surety in the like amount.

ii) The applicants shall attend the concerned Police Station on 24th, 25th and 26th of April 2026, between 3.00 p.m. to 7.00 pm, and shall cooperate with the investigating agency.

iii) The applicants shall not tamper with the prosecution evidence or threaten the prosecution witnesses and shall cooperate with the investigation.

iv) The applicants shall not leave the India without prior permission of the Court.

v) The applicants shall provide their detailed residential address to the Investigating Officer along with their mobile numbers, on or before 26.4.2026.

vi) The applicants shall hand over the relevant documents, as may be demanded by the Investigating Officer.

vii) Breach of any of the conditions would be a ground for the prosecution to prefer an application for cancellation of bail.

14. The application is disposed of accordingly.

(RAJNISH R. VYAS, J.)

Belkhede, PS