



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

CRIMINAL APPLICATION (ABA) NO. 206 OF 2026

Sunil Punjaji Ingle Vs State of Maharashtra

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Sangram Vikas Sirpurkar, counsel for applicant.
 Mr. S.B.Bissa, APP for non-applicant/State.

CORAM: RAJNISH R. VYAS, J.

DATED : 28/04/2026

1. Heard. This is 2nd application for grant of anticipatory bail.

2. Apprehending arrest in connection with Crime No. 67 of 2024 registered with Khamgaon Rural Police Station, District Buldhana for the offence punishable under Sections 420, 409, 468, 471 read with Section 34 of the Indian Penal Code, 1860, the applicant has approached this Court.

3. At the outset, the learned counsel for the applicant fairly submits that his earlier anticipatory bail application was rejected by this Court on 30/04/2024. He now submits that the charge-sheet has been filed before the Jurisdictional Magistrate on 06/01/2026, which shows that investigation is complete.

4. The learned counsel for the applicant has submitted that, though it is mentioned in charge-sheet that the applicant was absconding, nothing has been brought on record to show that procedure required under Section 82 of the Code of Criminal Procedure, 1973 was followed.

5. He further submitted that the case is based on documentary evidence, which has already been seized by the investigating agency. He further contended that applicant was very much present at his residential house and therefore, it cannot be said that he was absconding. He also argued that offences under Sections 409 and 420 are mutually exclusive.

6. Per contra, the learned APP has submitted that, by a detailed order dated 30/04/2024, the application for anticipatory bail was rejected by this Court.

7. He further submitted that applicant was available since the date of rejection of his anticipatory bail application and therefore, anticipatory bail may not be granted to him.

8. According to the learned APP, the chargesheet itself shows that investigation qua the applicant could not be carried out, and the investigating officer has reserved liberty to file a chargesheet by taking recourse to Section 193(9) of BNSS. He further submitted that, the order dated 30/04/2024 was not challenged by the applicant and therefore, has attained finality. According to him, this Court, vide order dated 30/04/2024, has categorically observed that it was the present applicant who had forged documents and gifted the Government property. He submitted that subsequent act of filing of charge-sheet by the investigating officer, that too against the co-accused, will not dilute the effect of the order passed by this Court on 30/04/2024.

9. With the assistance of the respective counsels, I have gone through the record of the case. It is necessary to mention here that the earlier anticipatory bail application was rejected by this Court on 30/04/2024. The said order is reproduced as under :-

Apprehending the arrest at the hands of police, in connection with Crime No.67/2024 registered with Police Station Khamgaon, District Buldhana for the offences punishable under Sections 409, 420, 468 and 471 read with Section 34 of the Indian Penal Code, the applicants approached to this Court for grant of anticipatory bail.

2. Learned Counsel for the applicant submitted that since long on the basis of the resolution passed by the Gram-panchayat, applicant No.1 is in possession of Gat No.358 situated at Shelodi, District Buldhana. He further submitted that said property is transferred by him to applicant No.2 by executing the Gift Deed. In view of the resolution passed by the Gram-panchayat, present applicant No.1 became the owner of the said landed property, and therefore, he has executed the Gift Deed. Now, with the false allegation this FIR is lodged against him. As far as the custodial interrogation is concerned which is not required as entire case is based upon the documentary evidence and prays for releasing applicant No.1 on anticipatory bail.

3. Learned Additional Public Prosecutor strongly opposed the application on the ground that initially Gat No.358 was shown to be owned by the Government. Subsequently, present applicant No.1 has prepared the forged Malmatta Patrak and shown Gram-panchayat property No.358 in his name. She submitted that present applicant No.1 has gifted the government property to applicant No.2 on the basis of forged document. The custodial interrogation of the present applicants is required. She further submitted that in the present crime, the Sarpanch

of the Gram-panchayat is also one of the co-accused. Thus, investigation is carried out it reveals that with the assistance of the Sarpanch of the Gram-panchayat present applicant No.1 has prepared the forged document, transferred the said land in his name and gifted the said property to his son. Thus, prima facie case is made out against applicant No.1, and therefore, his application for grant of anticipatory bail deserves to be rejected.

4. I have heard learned Counsel for both the parties. Perused the investigation papers. As per the allegation, the land Gat No.358 was initially in the name of the Government. Though learned Counsel for the applicants placed reliance on the resolution passed by the Gram-panchayat which is placed on record which shows that Gram-panchayat has passed the resolution and handed over the said property to applicant No.1. Admittedly, at the relevant time the co-accused Archana Ingle was Sarpanch of the said Gram-panchayat. During investigation, the statements of various witnesses are also recorded and various documents are also collected by the Investigating Officer from which it reveals that Gaon Namuna-8 is showing the seal and signature of Gram-panchayat, Shelodi. However, during investigation, it revealed that it does not bear the signature of the concerned Gramsevak and the Secretary of the said Gram-panchayat. Moreover, the said Gaon Namuna-8 is not registered in the Record of Rights from 1920 to 2022-2023 from which the investigating agency come to the conclusion that it is a forged document prepared by applicant No.1. As far as applicant No.2 is concerned who is son of applicant No.1 and only role attributed is that the Gift Deed is executed by applicant No.1 in favour of applicant No.2. Considering the role attributed to applicant No.2 admittedly, he is the only beneficiary and no other role is played by him, therefore, his custodial interrogation is not required but as far as the allegation regarding grabbing of the property appears to be against applicant No.1,

and therefore, his prayer for grant of anticipatory bail deserves to be rejected. Accordingly, I proceed to pass the following order:

(i) The application is partly allowed.

ii) The prayer of applicant No.1 for grant of anticipatory bail is hereby rejected.

(iii) In the event of arrest, applicant No.2 – Mahendra Sunil Ingle in connection with Crime No.67/2024 registered with Police Station Khamgaon, District Buldhana for the offences punishable under Sections 409, 420, 468 and 471 read with Section 34 of the Indian Penal Code, be released on anticipatory bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iv) Applicant No.2 shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(v) Applicant No.2 shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

5. The application is disposed of.

10. On perusal of the aforesaid order it would reveal that this Court has categorically observed that it was the present applicant who forged the documents.

11. The Investigating Agency has come with a specific case that the applicant was absconding. However, the question is not merely whether the applicant was absconding or not, but the question is whether he was cooperated with the Investigating Agency and approached this Court with all seriousness. Merely because, the charge-sheet has been filed, it cannot be said that the order passed by this Court dated 30/04/2024 can be

ignored.

12. As far as the contention that Sections 409 and 420 of the IPC cannot go together, suffice it to say that this issue cannot be decided at the stage of anticipatory bail. As regard the contention that applicant was very much available at his residence, it can be said that there is no reason to disbelieve the investigating officer, in absence of pleadings regarding malafides, who has carried out his investigation while performing his day to day regular duty.

13. So far as the contention of the applicant that the case is based on the documentary evidence and therefore, custodial interrogation is not required, it can be said that question whether custodial interrogation is required or not, will fall within domain of Jurisdictional Magistrate.

14. At the stage of anticipatory bail application, what is required to be seen is whether a prima-facie case is available against the applicant/accused, whether he will be available for the trial, and his criminal antecedents, if any. Since prima-facie case is made out and the applicant has been non-cooperative, I am not inclined to allow the present application. Accordingly, I proceed to pass the following order.

ORDER

The criminal application is **rejected**.

(RAJNISH R. VYAS, J.)