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

CRIMINAL APPLICATION (ABA) NO. 309 of 2026

(Shekhar s/o Ramaji Zilpe Vs. State, thr PSO, PS Sakkardara, Tq. Dist. Nagpur)

Office Notes, Office Memoramda of Coram, appearances, Court's orders of directions and Registrar’s Orders.	Court's or Judge's orders.

Mr. M.D. Janbandhu, Advocate for applicant.
Ms. D.V. Sapkal, APP for non-applicant/State.

CORAM: RAJNISH R. VYAS, J.
DATE: 06.05.2026

Heard.

2. Apprehending arrest, the applicant, who was not named in the First Information Report (FIR) but was impleaded during the course of investigation, has approached this Court.

3. The FIR No. 301/2025, dated 5.8.2025, was registered with Sakkardara Police Station, Tq. and Dist. Nagpur, for the offences punishable under Sections 318(4), 336(2), 336(3), 340(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 at the instance of reporter Murlidhar Shrawan Shende.

4. In short, it is alleged in the FIR that the reporter Murlidhar was the owner of immovable property and he had agreed to sell the said property by way of oral agreement for a valuable consideration of Rs. 27 lakhs and had accepted an amount of Rs. 10,000/- towards earnest amount. The agreement was entered into with Umesh Ninave/accused no.3.

The informant had handed over the photo copies of the title document to accused no.3. The accused no. 3 had assured to the informant that within 8 days, he would bring the remaining amount and thereafter, the sale deed would be executed.

5. According to the FIR, though, the informant repeatedly called to the broker by name Javed, who had finalized the deal, requested for extension of time. Due to delay, the informant told to said Javed that he would not sale the house. Thereafter, the earnest amount of Rs. 10,000/- was asked to be refunded by the broker Javed and one Karemore.

6. In the month of March, 2025, two employees of finance company visited the house of the informant, at which time he came to know that a bogus bank account was opened in his name at Shikshan Sahakari Bank and by mortgaging the property with one Aawas Finance Company, a loan of Rs. 17,02,283/- was obtained. On further enquiry, the informant came to know that the sale deed of his immovable property was executed on 11.8.2024 by impersonating him. It is this information which triggered the registration of FIR.

7. The learned counsel for the applicant, in the aforesaid background, has contended that the applicant is not the witness who has impersonated the complainant. He submitted that there is absolutely no material to connect the applicant with the crime.

8. Per contra, the learned APP has contended that a bogus bank account was opened and there is every possibility that this might have been done by the applicant. She, on instructions, further contended that investigation as regards involvement of the applicant is in progress, and therefore, she has prayed for rejection of the application.

9. With the able assistance of the learned counsels for the respective parties, I have gone through the record of the case.

10. It is not pointed out by the Investigating Agency as to whether the applicant was the person who had opened the bank account in the name of the informant or not. Just because the allegation is made which is not based on any evidence, same would not be a ground to reject the application of the applicant. Though, it has been stated that he impersonated the informant and prepared a bogus Aadhar Card, no material is brought to my notice to prima facie substantiate this allegation. The learned counsel for the applicant submitted that he has no criminal antecedents and he is ready to cooperate with the Investigating Agency.

Considering the aforesaid facts, the following order is passed:

ORDER

i) The Criminal Application is allowed.

ii) In the event of arrest in connection with Crime No. 301/2025, dated 5.8.2025, was registered with Sakkardara Police Station, Tq. Dist. Nagpur, for the offences punishable under Sections 318(4), 336(2), 336(3), 340(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant Shekhar s/o Ramaji Zilpe be released on bail on furnishing a P.R. bond of Rs. 55,000/- (Rupees Fifty Five Thousand only) with one solvent surety in the like amount.

iii) The applicant shall attend the concerned Police Station from 11th to 14th May, 2026, between 2.00 p.m. to 5.00 p.m. and shall cooperate with the investigation agency.

iv) The applicant shall not tamper with the prosecution evidence or threaten the prosecution witnesses.

v) The applicant shall not leave India without prior permission of the Court.

(RAJNISH R. VYAS, J.)

Belkhede, PS