



Cri. Bail Application No.100/2026

CNR No. MHBI04-000230-2026

Abdul Mukhtar Sattar Patel

Vs.

State of Maharashtra

ORDER BELOW EXH.01.

1. The applicants Abdul Mukhtar apprehend his arrest in crime No.304/2025 for the offences punishable under sections 336(1), 336(2), 338, 339, 340(2), 341(1), 318(2), 318(4), 316(5), 3(5) of the Bhartiya Nyaya Sanhita, 2023 (Section 417, 420, 409, 465, 467, 474, 471, 473 r/w. 34 of IPC) pray for anticipatory bail under section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023.

2. One Sultankhan Gajiyoddin Khan Pathan, R/o. Sirsala filed a complaint in the JMFC Court Parli Vaijnath alleging that he is a Chairman of Marathwada Education and Welfare Society, Islampura Parli Vaijnath having registration No.F-390. The non applicant No.1 is Ex-Secretary and non applicant No.2 and 5 are Ex-members and non applicant No.3 is Ex-Joint Secretary and non applicant No.4 was Ex-Treasurer and non applicant No.6 is Vice Chairman of the said society. The applicant and other six by their own personal funds purchased Grampanchayat property No.399 area 414.59 sq.meters for construction of the school building of the trust in the year 2015.

3. On 20.01.2024 the non applicant and other in collusion with each other prepared a false resolution on letterpad of society and mentioned name of accused No.6 as a proposer and name of witness No.4 as an approver / consented with the signature of other accused and gave authority to Secretary Abdul Mukhtar Abdul Sattar for selling said property and put false signature of Sayed Asefali on said resolution.

4. It was necessary to seek permission of Assistant Charity Commissioner under section 36 of the Bombay Public Trust Act, 1950 for selling property of public trust, but the accused No.1 to 6 have prepared false and fabricated seal of the Charity Commissioner Office, Beed and prepared false certificate dated 09.02.2024 and mentioned imaginary date 09.02.2024 and imaginary outward number as 9309/2022-2023 and also put round seal of the ACC Office and in said certificate mentioned that the office has no objection to sell said property. Accordingly, on 20.02.2024 the accused No.1 sold out said property to Prashant Pradip Deshmukh, R/o. Tuljapur in consideration of Rs.5,10,000/- and accepted the said amount in cash. The accused No.1 to 6 not deposited said amount in the account of trust and used for their own. Thereafter, the informant lodged a report at the police station on 20.10.2025, but in vain. Therefore, the informant submitted a complaint to D.S.P. Beed on 24.10.2025. As no action was taken, filed a complaint in the JMFC court Parli Vaijnath. The learned JMFC Court

ordered investigation under section 156(3) of Cr.P.C.

5. As per applicant, he has not committed any offence. He has been falsely implicated in the above crime. The investigating officer learned A.P.P. contested the application by filing say at Exh.5 and 6 respectively. The informant appeared and filed his affidavit at Exh.10. They submitted that the applicant committed a serious offence. There is a possibility of putting pressure on prosecution witnesses.

6. Heard learned advocate for the applicant and learned A.P.P. Perused the police papers. On perusing copy of inquiry application No.1471/2025 filed in the office of Joint Charity Commissioner, Beed it has been mentioned that the accused No.1 to 5 have prepared false and fabricated record, though it was necessary to submit change report as the period of trustee was ended in 2025 and submitted false application by putting signatures of directors and members of the body bearing 1284/2025 and the Charity Commissioner accepted the said change report on 12.09.2025. The Joint Charity Commissioner by passing order dated 16.09.2025 stayed the change report in inquiry No.1284/2025. The advocate Shaikh Shahajeb in said application before the office of Joint Commissioner submitted that the deponents have not signed affidavits in his presence. He has also submitted that he has withdrawn his Vakalatnama. It prima-facie appears that the

property bearing No.399 situated at Sirsala was purchased in the name of trust in 2015 i.e. Marathwada Education and Welfare Society Parli Vajinath through Shaikh Shabbir Dastgir but the said entry was changed as Marathwada Education and Welfare Society through Secretary Abdul Mukhtar Abdul Sattar Patel. On perusal of a copy of letter dated 16.10.2025 bearing outward No.879/2025 issued by Assistant Charity Commissioner, it shows that this office has not issued any letter bearing outward No.9309/2222-2023. So it prima-facie appears that the applicant has falsely prepared said no objection from the Charity commissioner for selling house property No.399 as per section 36 of the Bombay Public Trust Act. So there is strong prima-facie documentary evidence against the applicant.

7. The learned advocate for the applicant argued that the Hon'ble Bombay High Court in Anticipatory Bail Application No.178 of 2026 pleased to grant anticipatory bail to co-accused namely (i) Abdul Mustakh s/o.Abdul Sattar, (ii) Abdul Isar s/o. Abdul Sattar, (iii) Jarina Begum w/o. Abdul Sattar and (iv) Abdul Jafar s/o. Abdul Sattar and therefore, the applicant is also entitled to anticipatory bail on the ground of parity. On perusal of order of Hon'ble Bombay High Court, in para No.6 and 7 observed that the record of Charity Commissioner and statement of arrested accused Shaikh Shaukat, who has stated that the main accused is Abdul Mukhtar s/o. Abdul Sattar i.e. the applicant

who was authorized by the applicants for selling the trust property bearing GP N.399 and that the said resolution bears forged signature of the arrested accused Shaikh Shaukat. There is nothing on record to show that the other applicants / co-accused have conspired with the main accused Abdul Mukhtar Abdul Sattar for selling the said property or by obtaining fraudulent certificate under section 36 of the Bombay Public Trust Act except for their alleged signatures on resolution of the trust.

8. So here a case in hand, the applicant appears to be main accused. It is necessary to investigate where the alleged false and fabricated documents were prepared and where alleged false and fabricated seals were created. So as per this court, custodial interrogation of the applicant is required. Considering the nature and gravity of offence and scope for investigation, the applicant is not entitled to pre arrest bail. Therefore, order.

ORDER

The application stands rejected.

Place : Ambajogai

Date : 30.03.2026

(Ajitkumar B. Bhasme)

Additional Sessions Judge,
Ambajogai.

CERTIFICATE

"I affirm that all the contents of this PDF file are word to word as per original judgment/order".

Dictated on	30.03.2026
Transcribed on	30.03.2026
Checked & Signed on	30.03.2026

Date : 30.03.2026	A.S.PANHALE STENOGRAPHER GR-1
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