MHBU040008502026

ORDER BELOW EXH.1

1. By way of this application under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant/accused Mohammad Mushtaque Mohammad Isa seeks bail in anticipation of his arrest in connection with Crime No.300/2026, registered at Police Station Jalgaon Jamod, Tq.Jalgaon Jamod, Dist.Buldhana in respect of offences punishable under Sections 420, 468, 471 r/w 34 of the Indian Penal Code.

(A) CASE DETAILS

FIR Number & Date	:	300/2026, Dt.06.5.2026
Police Station, District and State	:	Jalgaon Jamod, Tq.Jalgaon Jamod, Dist.Buldhana.
Sections invoked	:	420, 468, 471 r/w 34 of the Indian Penal Code.
Maximum punishment prescribed	:	07 years.

(B) CUSTODY & PROCEDURAL COMPLIANCE

Date of Arrest	:	Not applicable
Total period of custody	:	Not applicable

(C) STATUS OF TRIAL

Stage of proceedings	:	Under investigation.
(Investigation/charge-sheet/ cognizance/framing of charges/ Trial)	:	Nil
Total number of witnesses	:	Nil
Number of prosecution witnesses examined	:	Nil

(D) CRIMINAL ANTECEDENTS

FIR No. and Police Station	:	598/2020, Jalgaon Jamod.
Sections	:	379, 427, 201 of IPC.
Status (Pending/Acquitted/ Convicted)	:	Pending before JMFC Jalgaon Jamod.
FIR No. and Police Station		284/2026, Jalgaon Jamod.
Sections		318(4), 336(3), 340(2) of BNS.
Status (Pending/Acquitted/ Convicted)		Pending before JMFC Jalgaon Jamod.

(E) PREVIOUS BAIL APPLICATIONS

Court	:	Additional Sessions Judge Khamgaon.
Case No.	:	Cr.BA No.169/2026
Outcome of case	:	Rejected.

(F) COERCIVE PROCESSES

Whether any Non Bailable warrant was issued	:	Nil
Whether declared a proclaimed offender	:	Nil

2. It is the prosecution's case that Manishkumar Gandhi do the business of selling and purchasing of landed properties. The accused 1) A.Habib Mo.Musa, 2) Mo.Sharif Mo.Musa, 3) Mo.Mushtaque Mo.Isa, do the business of brokerage. In the year 2021 the accused persons approached the informant disclosing that property Sheet No.15-C, Plot No.56 situate at Jalgaon Jamod owned by Habib Mo.Musa and Sharif Mo.Musa was to be sold. The property proposed to be sold was in B Class category and to alienate the said, permission of government was required. The informant putting credence upon the accused persons agreed to purchase the aforesaid land for total consideration of Rs.5,80,000/- by executing agreement to sell and paid amount of Rs.5,70,000/- to its owners. The remaining amount of Rs.10,000/- was to be paid at the time of execution of sale deed. The possession of the said property was delivered to the informant on the day of execution of sale deed. Apropos to the agreement to sell the owners applied for permission of the government to complete the said transaction. While the application seeking permission was pending, the accused persons and owners entered into conspiracy and by showing in the computer that the land is of A Class category executed sale deed in favour of accused Mustaque Mo.Isa without permission of the government. Accordingly, informant Manishkumar Gandhi lodged report on 06.5.2026 on the basis of which aforesaid crime came to be registered.

3. It is submitted by the learned advocate appearing on behalf of the applicant that the informant has lodged false and frivolous report despite their good acquaintance and business relations; that the present applicant is vendee as much as sale deed bearing No.1046/2024 is

concerned and the present applicant is not at all concerned with the documents comprised in the sale deed; that the informant has been doing the business of money lending without license and against the complainant/informant, the present applicant had filed complaint on 27.03.2026 and to give counter blast to the said complaint, present false first information report has been lodged; that the applicant is respectable person of the society and ready to abide the conditions that may be imposed by the Court including condition to co-operate the investigating officer.

4. It is submitted by the learned APP appearing on behalf of prosecution and learned advocate appearing on behalf of the informant that the present applicant having conspired with other accused persons and knowing very well that the informant by paying almost entire amount of consideration have got executed agreement to sell in his favour and also the fact that property is of Class B category and to execute the sale deed thereof permission of the government is required, the present applicant and other accused persons by tampering, entries in the computer showed that the property falls A category executed the sale deed and thereby cheated the informant and the government. They further submitted that the applicant has committed very serious offences, his presence is required for the purpose of necessary interrogation and investigation. Unless the applicant is taken into custody no concrete information as to the commission of crime as well as necessary documents could be obtained.

5. They further submitted that the present applicant has been convicted in one of the case and against him there are 2,3 crimes registered of similar nature. According to them antecedent of the applicant being bad enough and as the presence of the applicant is required for the purpose of thorough investigation and recovery of other documents, applicant is not entitled for grant of bail.

6. I have thoroughly gone through the bail application, say and additional say of learned APP, say/objection of the informant and the investigation papers. The applicant has produced along with the application some documents to show that there was acquaintance between him and the informant and some transactions. The copy of the sale deed which came to be produced on record as ordered by the Court comprised therein a document showing that property governed by sale deed is Class A property meaning thereby that no permission of competent authority/government was required to effect the sale deed in relation of it. The agreement to sell which was executed at the broker-ship of the applicant shows that the applicant knowing very well the fact that property governed by the agreement to sell/subsequent sale deed was Class B category property for whose sale deed permission of the competent authority was required, the present applicant despite that got executed sale deed showing that property is of Class A category in the Nagar Parishad record. The informant has alleged that the applicant and co-accused persons through the computer manipulated the entry. The facts emerged from the agreement to sell show that the property basically falls in B category. The applicant has not given any explanation as to how he got executed the sale deed, instead of that the applicant has averred that he being vendee, he has no concern with the documents comprising the sale deed. It prima facie appears that the applicant with malafide intent knowing very well that agreement to sell was executed in favour of the informant, property is of Class B category and to alienate the same permission of the competent authority/ government, conversion of the property from Class B to Class A is required still he got executed in his favour and in favour of some other accused persons dishonestly the sale deed showing that property is class A category.

7. The antecedent of the applicant prima facie appears to be not sound. He is convicted in one of the case bearing No.189/2017 and there are about 2, 3 crimes registered against him. The authority relied upon by the learned advocate for the applicant in the matter of **Shyamsundar Radhysham Agarwal V/s. State of Maharashtra, 2026 ALL MR (Cri) 144**, having a different set of fact is not applicable to the applicant. The presence of the applicant is required for the purpose of custodial interrogation and thorough investigation by the police, also recovery of the documents. It prima facie appears that unless the applicant is taken into custody no concrete information as to the commission of crime could be obtained. The first information report and the documents show that the property, which falls in the Class B category came to be manipulated as Class A property with permission. Thus, finding no force in the submission of learned advocate for the applicant, following order is passed.

O R D E R

Application is hereby rejected.

DISTRICT COURT, MAHARASHTRA
सत्यमेव जयते

Digitally signed by
CHANDRAKANT
MAHADEO
BAGAL
Date: 2026.07.02
18:36:44 +0530

[C.M.Bagal]

Date :- 02/7/2026

Addl.Sessions Judge, Khamgaon,
Tq.Khamgaon, Dist.Buldhana.

Certificate

I certify that this order PDF uploaded is a true and correct copy of original signed order.

Name of Steno : Mrs. Nishat Anjum Mohd. Rafique.
Name of Court : Addl.Sessions Judge, Khamgaon.