

MHJN010015122025



IN THE COURT OF ADDITIONAL SESSIONS JUDGE-2, JALNA
CRIMINAL BAIL APPLICATION NO. 568 OF 2025

Pravin s/o Bhaurao Jadhav
and another

.... Applicants/accused

V/s.

The State of Maharashtra

.... Respondent/Prosecution

Appearance :

Shri.V.D.Sonwane, and

Smt.S.M.Kavade, the learned advocates for the applicants

Shri.B.V.Ingle, the learned In-charge D.G.P for the State

Shri.H.T.Kakade, the learned advocate for the intervener

ORDER BELOW EXH.1

(Delivered on : 05.05.2026)

. The applicants have preferred application under the provision of Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the “BNSS” for the sake of brevity), apprehending arrest in Crime No.250/2025 registered with Bhokardan police station under Sections 406, 409, 418, 420, 464, 465, 467, 468, 471 and 474 read with Section 34 of the Indian Penal Code (hereinafter referred to as the “IPC” for the sake of brevity).

02. As per the applicants/accused, one Kamalbai Talekar lodged complaint on 04.06.2025 contending that her husband died in 2022. She is having ancestral lands at Masanpur and Bhokardan

vicinity. Informant and her sons are cultivating the land at Masanpur whereas the land at Bhokardan i.e. survey No.55 admeasuring 91.39 Gunthas was lying vacant. In January 2025, she sold 87.89 Guntha land from survey No.55 to one Sunil Tupe. The possession of the land was also handed to Sunil Tupe.

03. On basis of the sale-deed, mutation entry was taken in the Revenue Records and no objections were received for it. When Sunil Tupe went to put his board on the land, the applicants/accused, being neighbours of the land, resisted him and removed the board of Tupe, claiming ownership of the land. The applicants/accused claimed ownership over 03.31 Acres land in Survey No.55/B, 55/B-1.

04. The applicants/accused filed civil suit R.C.S.No.94 of 2025 against informant. It is pleaded that in the year 1975, the mother-in-law and husband of informant have sold 5 acres of land to one Manorama Jadhav i.e. mother of the applicants/accused by registered sale-deed. By partition-deed dated 15.09.2005, Manorama Jadhav give share of 41 R in survey No.55/B to applicant/accused No.1. Informant inquiry about the other transactions of Manorama Jadhav and learnt that out of 200 R land, she has sold 141.37 R land and therefore only 59.03 R should have remained with her, whereas there is 93 R land remaining in survey No.55/B. Similarly, 48 R land is remaining with applicants/accused in survey No.55/B and 55/B/1. As per the informant, the applicants/accused along with co-accused Avinash Devkar, Talathi in collusion have forged 7/12 extract and committed cheating and fraud. Hence, the complaint was filed.

05. As per the applicants/accused, they are falsely implicated in the offence. The police authority is trying the civil dispute into a

criminal complaint. The applicants/accused have given the details about the land in dispute, which was in the name of their mother and the transactions thereafter. As per the applicants/accused the boundaries mentioned in the sale-deed of Sunil Tupe by the informant are false. The property of applicants/accused is undivided.

06. The applicants/accused contends that the complaint is filed after receiving the summons of civil suit. Admittedly, the informant has sold the land to Sunil Tupe and she has no concern with it. The informant has also filed u/s 156(3) of Cr.P.C. before the learned J.M.F.C. Bhokardan, which is pending, still this complaint is filed. The applicants/accused are permanent residents of given address, having no criminal antecedents. They are ready to abide by the terms and conditions of bail if imposed on them.

07. The prosecution resisted the application by filing say at Exh.08. It is contended that the offence is serious in nature. The applicants/accused along with co-accused are involved in conspiracy to cheat and defraud the informant in systematic manner by fabricating documents. The investigation is in progress. The documentary evidence is to be recovered. The prosecution apprehends that in case the applicants/accused are released on bail, they will tamper the evidence and threaten the witnesses. Hence, the application is sought to be rejected.

08. The informant resisted the bail application by filing her say vide Exh.13 and additional say vide Exh.27. She reiterated all the contents of her complaint. Further she contended that, both the applicants/accused in collusion with concerned Talathi grabbed her property by preparing false digital 7/12 extracts and other relevant

records. Therefore, she filed an application to Tahsildar and in the inquiry before Tahsildar, it was found that documents with regard to Gat Nos.55/A, 55/A, 55/C and 55/B/1 are false and fabricated. Police have to seized fabricated documents and fabricated sale-deeds. After getting release on ad-interim bail, the applicant/accused are visiting several peoples and pressuring them not to give statement against them.

09. Informant further contends that the dispute is not only civil in nature but also criminal since applicants/accused intentionally cheated, forged documents and sold property illegally. The applicants/accused have suppressed material facts at the time of filing the civil suit. Several persons are affected due to the fraud of the applicants/accused. Hence, the application is sought to be rejected.

10. Heard learned advocates Shri.V.D.Sonwane, and Smt.S.M.Kavade, for the applicants/accused , the learned In-charge D.G.P Shri.B.V.Ingle for the State and Shri.H.T.Kakade for the intervener at length. Perused the copy FIR, papers submitted by the prosecution, documents filed by the applicants/accused and intervener.

11. The learned advocate for the applicants/accused submitted that, as per the complaint the date of offence is from 15.09.2005 to 05.06.2024. However the FIR is filed at 11.00 p.m. on 04.06.2025. As per the FIR, the information is received in writing. However, the written complaint is not filed along with the FIR. The learned advocate for the applicants/accused pointed that the informant has sold land to Sunil Tupe and the sale-deed it is shown that the entire land is sold. The valuation of the land was shown as Rs.1,16,20,000/-. However, the consideration is only Rs.25,00,000/-. The informant has executed

correction deed on 24.02.2025, stating that the consideration was wrongly shown.

12. As per the advocate for the applicants/accused, due to the harassment of the informant and her sons, they have preferred the civil suit and thereafter this complaint is filed. The informant has also filed criminal complaint seeking investigation u/s 156(3) of Cr.P.C. however before any order was passed, this complaint is filed. He contends that the Hon'ble Apex Court in the case of "**G Sagar Suri Vs. State of UP**" (2000) 2 SCC 636 and "**Indian Oil Corp. Vs. NEPC**" (2006) 6 SCC 736, it is held that Penal Sections cannot be misused to settle civil scores.

13. On the other hand learned advocate for the informant argued that the applicants/accused in collusion with the co-accused have fabricated the documents. In spite of selling some portion of the land, it was not shown as less in the 7/12 extract. The applicants/accused have sold 5 acres of land to many buyers by wrongly showing the land in the 7/12 extract. The documents are to be seized. The applicants/accused have threatened different persons from giving statements to the police. hence, the application deserves to be rejected.

14. The learned prosecutor submitted that at this stage, prima-facie case is required to be seen. The role and nature of the applicants/accused is to be assessed. The applicants/accused have shown excess land in their possession and forged 7/12 extracts to cheat purchasers.

15. From the reply of prosecution and police papers, it is seen that the investigation is almost completed as various documentary

evidence is recovered during the investigation. It is also pertaining to note that vide order below Exh.4, interim anticipatory bail was granted to applicants/accused on 13.06.2025. It is not the case of the prosecution that the applicants/accused have breached said order. Admittedly the dispute is civil in nature. however, since the documentary evidence is already collected, nothing is shown to be recovered or discovered at the hands of these applicants/accused for which their custodial interrogation would be required. The apprehension of the prosecution can be taken care of by imposing stringent conditions on the applicants/accused. Hence, the applicants/accused are entitled to be released on bail. With this, I pass the following order: -

ORDER

- 1) Criminal Bail Application No.568 of 2025 is allowed.
- 2) The interim anticipatory order dated 13.06.2025, below Exh.4 is hereby made absolute on the same terms and conditions.
- 3) Criminal Bail Application No.568 of 2025 stands allowed and disposed of accordingly.

(Dictated and pronounced in open Court).

Date: 05.05.2026

(NAZERA S. SHAIKH)
Additional Sessions Judge-2
Jalna.

CERTIFICATE

I affirm that the contents of this PDF file are word to word as per original.

Name of Stenographer	: P.S.Tayade
Name of the Court	: Court of Addl. Session Judge, Jalna
Date of PDF	: 05.05.2026

(P.S.Tayade)
Stenographer (Grade-I)