

Criminal Bail Appln. No.245/2026

Pawan Chandrakant Pawar **...Applicant/Accused.**

Vs.

State

...Respondent.

Appearance :-

Ld.Advocate Mr.S.V. Bhate for the applicant / accused/

Ld. APP Smt.S.S. Gore for the State.

ORDER BELOW EXH.1

This is an application under section 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023 for grant of Anticipatory bail.

Applicant is apprehending arrest in CR I-753/2025 registered with Ambad Police Station under section 363, 341, 342, 364-A, 384, 385, 354, 324, 326, 34, 504, 506 of the Indian Penal Code.

2. Perused the application, say of I.O. and complainant. Heard, both sides. The complainant is present along with her Advocate.

3. The FIR dated 20.10.2025 by informant Usha Ramdas Nikam @ Usha Shashikant Jagtap, 70 years old lady. Her husband Shashikant Jagtap expired on 27.06.2016. Her daughter is married and residing at Pune. Her deceased husband was having two ration shops at Gangapur Road. The deceased husband has plot Nos.11,12, 13, Bungalow, two flats, three Galas at Nashik. It is contended that, in the year March 2023 the informant lady was in need of money. Her known person Rohidas introduce to her to one Kalpesh Kirve. The said Kalpesh Kirve was informed that she is in need of financial help and also has

immovable properties of which the documents were given to him. Said Kalpesh Kirve kept her documents and after two to three days came in a vehicle to her house, took her in the said vehicle in which there were already two persons seated. She was introduced to them. They were applicants Pawan Pawar and Vishal Pawar resident of Jail Road, Nashik. The applicant Pawan Pawar told the informant that he will look after all the Court work and Advocate's work and asked for General Power of Attorney from her in the name of applicant's brother Vishal Pawar. At that time, informant refused to give any General Power of Attorney. That time applicant Pawan Pawar removed the knife, gave abuses to her and threatened to murder her, if she did not give General Power of Attorney to him. Against her wish they forcibly made her sit in the vehicle and taken her near the Court at C.B.S. to the Typist. The General Power of Attorney in respect of the immovable properties of her husband was prepared and notarized before the lady Notary Advocate by giving threat that she should not disclose anything to the Notary Advocate. She was threatened to kill if she inform the police. Hence, she did not inform the incident to anyone at that time.

After some months, the applicant and his brother in some installments deposited Rs.20,00,000/- (Rupees Twenty Lakhs) in her account at Central Bank of India. Thereafter, one day they came again in the vehicle to her house and by showing her the knife threatened to kill her. They vide her cheque made her withdrew the amount of Rs.20,00,000/- (Rupees Twenty Lakhs) and took it from her.

4. It is contended that, on 01.03.2024 the applicant with Vishal Pawar and Kalpesh Kirve came to her house, forcibly took her in the vehicle to the Collector Office and got the General Power of Attorney registered in the office of Registrar. Thereby, from April 2023

..3..

till 01.03.2024 the applicant and the co-accused by giving her threat to kill has executed Power of Attorney before the Notary and registered Power of Attorney, they deposited Rs.20,00,000/- (Rupees Twenty Lakhs) in her account which they made her to withdraw and took the cash. Hence, this complaint.

5. I.O. has filed say and raised objection that, informant is 71 years old lady. The vehicle Mahindra Scorpio is seized along with documents. Accused Kalpesh Kirve is arrested. The accused applicant has criminal antecedent.

6. I.O. and Ld. APP gave say that the accused applicants have deposited Rs.20,00,000/- (Rupees Twenty Lakhs) in the bank account of informant and by giving threat by knife made her withdraw the amount for self about which the investigation is to be conducted. There are 16 offences registered against applicant to show he is having criminal antecedents.

Ld. APP has submitted that, applicant is having offences of Section 302, 307 of I.P.C. against him. He is threatening the old lady and has executed false documents to grab her property. The informant is residing alone. Her husband has expired, daughter is married. They will pressurize the informant and witnesses, hence application be rejected.

7. On the other hand, Ld. Advocate for the applicant submitted that out of the list of offences produced by I.O., the applicant is acquitted in five cases and he is on bail in other. Two cases are not on him and wrongly shown in the say. It is not the case of complainant

that, the documents do not bear her signatures and are forged.

Ld. Advocate submitted that, there is suppression of facts by the informant to the police. The Advocate for the applicant has produced on record -

- (1) Copy of Power of Attorney dated 01.03.2024,
- (2) Copy of Memorandum of Understanding dated 05.10.2024
- (3) Paper Notice given by the informant in December 2025 through Advocate.
- (4) Will dated 22.04.2015 of her Late husband.

It is pointed that the General Power of Attorney dated 01.03.2024 is not for transferring any right, title, interest in the property. It is executed before the Sub-Registrar, the public office. The said Power of Attorney clearly mentions that, it is given for appointing Advocate, filing proceedings in Courts for challenging the Will and the adoption as well as the sale deeds for which the applicant is required to take steps in the Court of Civil, Hon'ble High Court and Hon'ble Supreme Court. As she is unable to attend personally in Courts, the said Power of Attorney is very specific for the work in the Court.

8. Ld. APP has also produced Memorandum of Understanding dated 05.10.2023 executed between informant and applicant which expresses clearly that, informant cannot attend to the Court work for getting the documents cancelled and for taking back the possession. Hence, it is mutually decided that applicant will do the needful for which they decided to take the benefit of 60 to 40% each. She also received cheque from the applicant for sum of Rs.21,00,000/- (Rupees Twenty one Lakhs) is mentioned in the Memorandum of Understanding executed in the year 2023. The said amount is received by her in the year 2023.

9. Ld. Advocate has pointed that informant has conveniently suppressed these documents from the police and from the Court. It is pointed that applicant got knowledge that her Late husband has left a Will which copy is produced. It clearly mentions that informant and her late husband were having litigation and divorce petition which were contested. Her late husband expressed that he was harassed by his wife, never cohabited with the informant and the litigation was won by husband. He was then given support by Hemkant Pathak and Vandana Pathak who has son Govinda. Her Late husband made a Will in favour of Govinda the son of Pathak's as they looked after Late husband of informant. It is pointed that, by the said Will, informant is not owner of any of the properties, which fact she has suppressed. She had already obtained Rs.21,00,000/- (Rupees Twenty One Lakhs only) by cheque from the informant. When the informant demanded back this money this false complaint is lodged.

10. It is seen that there are several documents to show that there was execution of Power of Attorney and mutually understanding to challenge the documents made by the deceased husband of informant for which they would taking benefit in the ratio of 60 to 40% after the work is done. It is applicant who has given Rs.21,00,000/- (Rupees Twenty One Lakhs only) to the informant. According to the informant there is no litigation, there is no document executed by her, there is no Power of Attorney or Memorandum of Understanding. It is seen that, she has also published a public notice through Advocate Sindhu Pagare on 31.12.2025 for cancellation of the General Power of Attorney dated 01.03.2023 executed by her in favour of applicant. This

shows that she was taking services of Advocate, she took steps to cancel the General Power of Attorney executed in March 2023.

It is seen that she has not paid by cheque any amount to applicant but she received Rs.21,00,000/- (Rupees Twenty One Lakhs only) vide cheque from applicant. It is seen that, from the clauses in the Will left by her deceased husband the informant was having litigation with her husband, which was contested. They had R.C.S. No.709/1987 HMP No.295/1998, HMP No.41/1999 against each other. Therefore, she was visiting the Court and had an Advocate from several years. Even now she has published a notice through Advocate to cancel the Power of Attorney of March 2023. The said notice is of the year 2025. Thus, she has been visiting Court, taking services of Advocates from life time of her husband. Now to avoid returning money received by her, this F.I.R. is filed.

11. It is seen that she has not transferred any property to the applicant. The present FIR is dated 20.10.2025 alleging grievous hurt under Section 326 of I.P.C. and outraging modesty under Section 354 of I.P.C. along with other Sections of I.P.C. about incident of showing knife to take her in vehicle in year 2023. From the FIR it is clear that, there is no grievous hurt whatsoever to her. There is also no simple hurt to her. The outraging of modesty is alleged because she was made to sit in the vehicle is her allegation. I do not find any substance in allegation of outraging modesty and in the allegation of grievous hurt to her. These Sections are added casually. In respect of other Sections in the FIR which shows that FIR is not disclosing all the documents which she were executed. The Power of Attorney was for Court work challenging the Will and adoption by her late husband, with whom she had no cordial relation. In these circumstances, the submission of I.O. and Ld.

..7..

APP that present applicant is having criminal background as there are several offences registered against him cannot be a ground to arrest him herein. In my view, there is no necessity to arrest the applicant. In belated complaint of delay of two years his presence before the I.O. for the purpose of investigation is sufficient. Hence, it is fit to allow the application. Hence, the following order,

ORDER

1. Anticipatory Bail Application is hereby allowed.
2. In the event of arrest, Applicant be released on bail on furnishing PR and SB of Rs.25,000/- in connection with the CR I-753/2025 registered with Ambad Police Station under section 363, 341, 342, 364-A, 384, 385, 354, 324, 326, 34, 504, 506 of the Indian Penal Code.
3. He will attend before the I.O. one week daily from 10.00 a.m. to 1.00 p.m. and co-operate with investigation.
4. He will not tamper with the witness and evidence.
5. Inform concerned police station.

Date: 10.03.2026.

(Smt. Priti Kumar Ghule)
Addl. Sessions Judge-7, Nashik.