



Cri. Bail Application No. 62/2026

**1- Milind Ankush Awale
Vs.
State of Maharashtra
(Through Baramati City P. S.)**

ORDER BELOW EXH.1

1. Applicant/accused no.1-Milind Ankush Awale being husband as arrayed in FIR lodged by complainant-wife, moved this application to release him on anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), in Crime No. 27/2026, registered at Baramati City Police Station, for offence punishable under Sections 318(4), 338, 339, 340, 340(2) and 336(2) (3) read with Section 3(5) of the Bharatiya Nyaya Sanhita (BNS), relating to cheating, forgery to create valuable security and other offences.

2. Heard Ld. Advocate for the applicant/accused, Ld. A.P.P. for State and Ld. Advocate appearing for complainant. Perused the copy of FIR and documents placed on record.

3. Under Section 482 of BNSS, any person may apply for anticipatory bail apprehending arrest in non-bailable offence, which the Court may grant considering the nature and gravity of accusation, antecedents of applicant, possibility of abscondance of accused and where the accusations are made for injuring or humiliating the applicant.

4. Facts of case are that on 16.01.2026, complainant-Ranimala Milind Awale, being wife of present accused, lodged report to Baramati City Police Station, alleging that a petition for divorce is going on between them. They both are having two children. Her father had gifted her *stridhan*, being plot nos. 23 and 27 in Gat No.61 of Rui, so that accused may treat the complainant

well. However, in the year 2021, the accused misrepresented her for executing Power of Attorney in his name for the purpose of transferring the property in the name of both children and enter into rent agreement, and got it executed on 21.07.2023 vide document at Serial No.5242/2023. Then the accused got the lands transferred in the name of both children and drove her out of house and filed divorce petition against her. Accused though applied for permission to sell the said land in the name of children, still transferred land out of plot no.23 to Savita and Rajesh Nachan on 12.09.2024 by registered deed. When complainant appeared in proceeding for permission to sell property, she came to know that her signature and thumb mark were forged and by colluding with Ramdas Gaud, Balaso Kharade, Pratik Barge and Pankaj Randive, on 12.07.2024, accused got executed the correction-deed at Sub-Registrar Office. It is alleged that when divorce proceeding was pending since 26.10.2023, and she was driven out of the house, there was no question of executing correction-deed on 12.07.2024. The said correction-deed was got examined through Hand Writing Expert with the admitted hand-writing of complainant. Expert opined and reported that signature of complainant on correction-deed is forged. On the basis of correction-deed, the accused has sold plot no.23 to Savita and Rajesh Nachan. On such report, FIR came to be registered and investigation is being conducted, in which the accused has sought anticipatory bail.

5. Ld. Advocate for accused submitted that this is a case arising out of matrimonial dispute so as to drag the applicant-husband in a criminal case alongwith in-laws. He submitted that the nature of dispute is *prima facie* of civil nature, in respect of which, the appropriate remedy lies by filing a civil suit. Before marriage, the applicant and complainant were related, as accused is

son of maternal uncle. He submitted that the origin of the name of complainant in the title of both the plots would show that they have been so given from the side of accused to complainant and not by her father, as alleged. The complainant has filed case under the Protection of Women From Domestic Violence Act against applicant-accused. The complainant has deliberately claimed the said plots being subject matter of the case as *stridhan*. There is no evidence with complainant to show that the rooms were built by her father. Even though, the allegations are made of executing Power of Attorney by complainant, the property is not transferred in the name of himself by accused, but for the sons. The intention of deceiving complainant never existed as per the contents of report. There is no complaint regarding the gift in the name of sons, and had the accused any ill-intention, he would have got the property transferred in his name from complainant. He further referred to the written-statement of complainant in divorce proceeding showing no whisper as to cheating and forgery. The case filed for selling the share of minors under The Guardians and Wards Act was withdrawn. He submitted that inspite of execution of the Power of Attorney, and then the gift and correction-deeds, no report was lodged, and it has been falsely lodged on 16.01.2026, without explaining the delay. The allegations regarding correction-deed are not true, as the description of plot is already made in the Power of Attorney. The report regarding the hand-writing was got secured by complainant from the Hand Writing Expert. He further submitted that though the property in the name of minor is sold, another property for the equal or more consideration has been purchased as would be clear from the Agreement of Sale and Sale-deed in favour of son. One son is with complainant and one is with accused and both of them used to approach their parents without

any hindrance. The accused has not done any act to the detriment of the interest of the minors. Thus, there is absence of criminal intention on the part of accused as per the contents of FIR and the material on record in the alleged cheating and forgery. All documents have been seized by the police. Custody of the accused is not necessary for investigation. Therefore, he submitted to release accused on anticipatory bail. He further relied on documents and following citations:

(i) ***Sheila Sebastian Vs. R. Jawaharaj [Cri. Appeal Nos. 359-360 of 2010, decided on 11.05.2018]***, wherein, Hon'ble Supreme Court observed as follows:

"...Further, Section 465 provides punishment for the commission of the offence of forgery. In order to sustain a conviction under Section 465, first it has to be proved that forgery was committed under Section 463, implying that ingredients under Section 464 should also be satisfied. Therefore, unless and until ingredients under Section 463 are satisfied a person cannot be convicted under Section 465 by solely relying on the ingredients of Section 464, as the offence of forgery would remain incomplete."

(ii) ***Rajendra Hiranman Mhatre & Ors. Vs. The State of Maharashtra & Anr. [Anticipatory Bail Application No. 3475 of 2024, decided on 14.10.2025]***, in which, Hon'ble Bombay High Court held that:

"12. The FIR rests mainly on documentary evidence, most of which has already been seized or can be collected from public records. There is nothing on record to show that custodial interrogation is indispensable for investigation. The allegations of forgery, even if taken at face value, pertain to documents registered in 2011. There is a long lapse of time between execution of the documents and registration of the present FIR in 2024. This delay remains unexplained and diminishes the necessity of custodial interrogation."

6. Per contra, Ld. APP for State submitted that accused has used the forged signature of complainant to create valuable security, and it can be seen on record that he has sold property in the name of minor on the basis of such forged document. Offence under Section 338 of BNS is punishable with imprisonment for life or upto 10 years. The accused has obtained Power of Attorney, and then made correction-deed forging the signature of complainant, in respect of which, report of Hand Writing Expert is produced. Another plot is purposely added therein, so as to make wrongful gain. The document was executed after the divorce petition was filed. In spite of making application for permission, it was withdrawn and property was sold. The accused used the undue influence of his father who was Sub-Registrar to whom notice under Section 35(3) of BNSS was issued. The gift-deed, Power of Attorney, correction-deed and sale-deed have been seized. Investigation is to be made from the accused regarding the forgery, and how it was carried out. The opinion as to Hand Writing of Government Scientific Expert is to be obtained. Custody of accused is necessary. Accused may tamper the evidence. Accused has absconded after commission of offence. He submitted to reject the application.

7. Complainant appeared with Ld. Advocate and opposed the application submitting on the lines of contents of the report that the accused has cheated the complainant and forged the documents with her signature and thumb mark. Offence is serious one. Ld. Advocate for complainant submitted that this is a case of forgery as the correction-deed was never executed by complainant when admittedly, divorce proceeding from the year, 2023, was going on between the parties and the accused by the use of forged document, got the land in the name of minor sold to third persons for more

than Fifty Lakhs. Thereafter, the accused purchased another land for meager amount of Rupees Five Lakhs. A detailed investigation needs to be made in the offence as there is consistent version of complainant regarding forgery supported by the report of Hand Writing Expert from recognized Lab. He submitted that as there is *prima facie* material against the accused regarding commission of offence punishable with life imprisonment which needs to be investigated, no case is made out by the accused to release him on anticipatory bail. He also relied on written submissions, documents and following citations:

(i) ***Pratibha Manchandra & Anr. Vs. State of Haryana & Anr. [Cri. Appeal No.1793 of 2023, decided on 07.07.2023],***

wherein, Hon'ble Supreme Court observed as follows:

“18. In Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731, the Constitution Bench reaffirmed that when considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.”

(ii) ***Anuj Vs. State of Maharashtra [Criminal Appln. (Aba) No. 627 of 2024, decided on 20.09.2024],*** in which, Hon'ble

Bombay High Court held that:

“...Thus, considering the statements of the original owner it reveals that by forging the signature of the original owner that vehicle appears to be sold out to the informant. Considering the allegation and the nature of the allegation against the present applicant admittedly, his custodial interrogation is required to ascertain the facts. In view of that, no case is made out for grant of anticipatory bail. Admittedly, the considerations for grant of anticipatory bail and considerations for grant of bail under Section 439 are different. Considering the fact that, the allegations made against the present applicant are of a grievous nature for which admittedly, the custodial interrogation is required. In view of that, the application deserves to be rejected.”

(iii) ***Bhimrao Shankar Borse & Ors. Vs. The State of Maharashtra [Anticipatory B.A.No. 1742 of 2022, decided on 14.07.2023]***, wherein, Hon'ble Bombay High Court observed as follows:

“6. Perusal of the investigation papers clearly indicates that the photograph which appeared on the relinquish deed belongs to the informant. There is explanation to that extend stating that her photograph was misused. The photograph appearing on the registered documents on the face of it clearly shows that someone else was present than the informant at the time of registration of the said document. Needless to say that it would be necessary for the investigation agency to find out as to a manner in which the said fabrication and impersonation is done. It is also necessary that the custodial interrogation of the applicants is essential to ascertain as to whose thumb impressions appeared on the documents of relinquish deed as well as the document of registration of the said deed by presenting it to the office of Sub-Registrar. Merely because the applicant and the co-sharers executed partition deed will not absolve the present applicants from crime in question.”

(iv) ***Banu Abdul Shaikh Vs. The State of Maharashtra [Anticipatory B.A.No. 3078 of 2023, decided on 08.11.2023]***, in which, Hon'ble Bombay High Court held as under:

“12. The Supreme Court has thus enunciated that irrespective of pendency of civil proceeding where there is prima facie material to show an element of criminality in setting up and banking upon documents, issue of forgery and fabrication of documents can be legitimately considered in the course of criminal investigation.

13. For the foregoing reasons, I am not persuaded to exercise discretion in favour of the applicant as it is only the custodial interrogation of the applicant that would unearth the fraud and unmask the identity of the persons who allegedly committed the forgery.”

8. Perusal of the FIR and case papers at the stage of investigation *prima facie* show that irrespective of the source of

property by which the complainant acquired title or right of disposition of the property in question being plot nos. 23 and 27, the complainant executed a Power of Attorney in favour of accused being her husband in the year, 2021. Thereafter, there are allegations of executing gift-deed dated 21.07.2023 by complainant under the coercion of accused, and then driving complainant out of house. Insofar as the correction-deed in question is concerned, the complainant alleged that it is a forged document brought into existence by accused on 12.07.2024, by making forgery of her signature and thumb mark, and then the sale-deed was executed in favour of purchasers. The complainant states to have got knowledge of the fact during pendency of proceeding in Court for permission to sell property of minor children. The opinion as to forgery from Expert is also sought and obtained by complainant giving rise to the filing of prosecution against accused.

9. Now at this stage, the accused has raised the matters of defence as above disputing the source of title of complainant, and that no benefit was derived by him as the property was gifted to the minor sons by complainant, and that even sale thereof was for the benefit of children by which another property is purchased showing no misappropriation or wrongful gain. Even if the said defence is raised by the accused, the fact remains on record that the disputed correction-deed alleged to be fabricated, is a document which has come into existence when relations between the parties were strained and divorce proceeding was filed by accused against complainant. Revolving around the said document, the allegations are made by complainant regarding forgery, as also the coercion while obtaining Power of Attorney or gift-deed from her. The defence raised by the accused regarding no title to the complainant is of no consequences in the fact and circumstances alleged against

him regarding forgery *prima facie* appearing from the material on record.

10. Ld. Advocate for the accused relied on the case of *Sheila Sebastian (supra)*, which was a criminal appeal before Hon'ble Supreme Court, wherein above observations are made regarding conviction for forgery under Section 465 of IPC, and civil remedy was stated to be the forum. In the instant case, the case has to be looked on the *prima facie* material, wherein no investigation is yet made from the accused in the facts and circumstances of the case where the correction-deed is alleged to have been forged by the accused being husband of complainant, and subsequent sale transactions have been resulted into, in the name of children who are minor and represented by the accused as their guardian.

11. Ld. Advocate for accused further relied on the case of *Rajendra Mhatre & Ors. (supra)*, in which, the dispute was civil in nature and the FIR was resting on documentary evidence. In the instant case, on the *prima facie* material, the case is not purely of civil nature inasmuch as forgery is alleged therein, in which, investigation is sought to be made from the accused by taking him into custody.

12. Ld. Advocate for complainant relied on the case of *Anuj (supra)*, in which, the Hon'ble Bombay High Court refused anticipatory bail where there was forgery of signature of the original owner of property. In *Pratibha Manchandra (supra)*, nature and gravity of offence is observed to be a factor having bearing on anticipatory bail. In *Banu Shaikh (supra)*, Hon'ble Bombay High Court referred to the case of *Pratibha Manchandra* and observed that issue of forgery and fabrication of documents

can be legitimately considered in the course of criminal investigation. Facts of the instant case discussed above would at this stage show that there are allegations of forgery on the part of present applicant-accused no.1 in bringing into existence the correction-deed with *prima facie* material. Keeping in view the ingredients of Section 482 of BNSS and the observations in the citations (*supra*) relating to the cases wherein forgery is alleged, no case is made out so as to grant anticipatory bail to the accused. Offence shall be investigated from him. In the above view of the matter, I pass the following order:

ORDER

Application is hereby rejected.

Date :- 07.03.2026

(V. C. Barde)
Additional Sessions Judge,
Baramati.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same word for word as per original Order.

Name of Stenographer	:	V.B. Lalsangi Stenographer (G-1)
Court Name	:	Additional Sessions Judge, Baramati, Dist. Pune.
Date of Order	:	07.03.2026
Order signed by Presiding Officer	:	07.03.2026
Order uploaded on	:	07.03.2026