

MHRG170009952026



IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
PANVEL-RAIGAD
ORDER BELOW EXHIBIT NO.1 IN BAIL APPLICATION NO.502/2026
(Dated 10/06/2026)

The applicant Swaraj Singh Yadav S/o Diwan Singh Yadav has filed present application for anticipatory bail u/sec.482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in Crime No.64/2026 registered with Neral police station for the offences punishable u/sec.474, 470, 466, 464, 463, 415, 390, 383, 203, 200, 198 and 177 of the Indian Penal Code.

2. In short the prosecution case is that, the informants are the legal heirs of deceased Pandurang Balu Patil, who was the owner of certain agricultural lands situated at village Borgaon, Taluka Karjat, District Raigad. After demise of Pandurang Balu Patil, in the year 2007, the ownership rights in the said properties were devolved upon his legal heirs including the informants. Further it is the case of prosecution that in the year 2008 a registered sale deed was fraudulently executed in respect of property in question in the name of present applicant. The said document purported to show that the deceased Pandurang Patil was alive and he had executed the said sale

deed in favour of present applicant. However, in reality Pandurang Patil was already expired. He was impersonated and the sale deed was executed by forging his identity, signatures, thumb impressions and other documents. According to prosecution the said impersonation was facilitated by the applicant and other accused persons. The witnesses to the sale deed allegedly identified the impersonator as the deceased before the registering authority, thereby giving legitimacy to the fraudulent transaction. Further it is the case of prosecution that applicant knowingly participated in the conspiracy and acted with deliberate negligence by failing to verify essential documents such as death records and title documents and proceeded with the transaction. Further it is case of prosecution that by creating and using forged documents, impersonating the deceased Pandurang Patil and entering into a fraudulent sale transaction, the applicant and other co-accused persons in furtherance of their common intention attempted to usurp the property in question and caused wrongful loss to the informants. The informant thereafter approached the Neral police station to file an FIR, however, the police was reluctant to get their FIR registered, therefore, they constrained to file private complaint before the Judicial Magistrate, First Class, Karjat. The Ld. Magistrate after considering the case of informants directed the investigating agency to file an FIR. Accordingly offence came to be registered against applicant and co-accused vide C.R. No. 64/2026 at Neral police station under above mentioned sections.

3. As an offence came to be registered against applicant, he apprehends his arrest in connection with the crime in question. Hence, it is prayed by applicant that, in the event of his arrest, he be enlarged on bail contending that he is innocent and has been falsely implicated in the crime in question.

4. Heard Ld. Adv. Ms. Shivani Kondekar for the applicant and Ld. APP Shri Y. S. Bhopi for the opponent State. Perused application, say filed by opponent State at Exh.11 and other documents placed on record.

5. Ms. Kondekar argued that, in the year 2008 the applicant intended to purchase the property in question which was restricted tenure land under section 32 G of The Bombay Tenancy and Agricultural Lands Act from one Pandurang Balu Patil for total consideration of Rs.9,89,000/-. In pursuance thereof registered agreement for sale bearing No. 5098/2008 dated 18/07/2008 came to be executed between the parties. The applicant had paid an amount to the tune of Rs.6,00,000/- through cheque and Rs.3,89,000/- in cash to the vendor. The applicant had also paid stamp duty to the tune of Rs.39,600/-. On the very same day Pandurang Balu Patil executed a registered power of attorney bearing No.5099/2008 in favour of applicant authorising him to obtain necessary permission for transfer of property as the said property was a restricted tenure land u/sec.32 G and further authorising him to execute a sale deed. Ms. Kondekar further argued that since 2009 the name of

applicant has been entered in the revenue record of property in question. Since then till filing of FIR no one has challenged the title of applicant to the property in question. Ms. Kondekar further argued that after lapse of about 17 years Shri Raghunath Pandurang Patil approached applicant and started demanding extra money in respect of the property in question. However, the applicant refused to entertain the illegal demands of Raghunath Patil.

6. Ms. Kondekar further argued that the applicant himself is victim of impersonation. He later on discovered that Raghunath Patil impersonated the deceased owner Pandurang Patil at the time of execution of sale deed with regard to property in question.

7. Ms. Kondekar further argued that before the criminal case initiated against the applicant, he himself approached Neral Police Station on 25/05/2025 and on 09/08/2025 and lodged complaint against Patil family members and others. Ms. Kondekar further argued that the core controversy pertains to the title and validity of conveyance and competing claims over immovable property, such disputes ordinarily require adjudication by Civil Court. The present FIR is nothing but an attempt to convert a civil dispute into criminal litigation with an ulterior motive of pressurising the applicant. Ms.Kondekar further argued that the alleged transaction was executed in the year 2008-2009 and FIR came to be lodged in the year 2026 i.e.

after lapse of 17 years. The prosecution has not given any plausible explanation with regard to said inordinate delay. This circumstance is sufficient to come to the conclusion that the FIR is afterthought and concocted. Considering the aforesaid circumstances and role attributed to applicant, his custodial interrogation is not required. Hence, Ms. Kondekar prayed that the relief of pre-arrest bail be granted to the applicant.

8. Per contra, Shri Bhopi, the Ld. APP submitted that, offence is serious. The applicant is prime accused. He by joining hands with co-accused got the sale deed with regard to property in question executed in his favour in the year 2008 despite knowing that the real owner Pandurang Patil was already expired in the year 2007. The applicant is direct beneficiary as sale deed has been executed in his favour. Shri Bhopi further submitted that the applicant has antecedents. He is already lodged in Tihar jail in connection with one FIR registered at Enforcement Directorate, Delhi. It is necessary to ascertain who helped the applicant while committing the crime in question. Considering the severeness of crime in question, to unearth the crime in question, custodial interrogation of applicant is very much necessary. Hence, Shri Bhopi prayed that, the application be rejected.

9. I have given thoughtful consideration to the submissions advanced by both Ld. Advocates. I have also gone through the material placed on record. On appraisal of papers

prima facie it appears that the alleged sale transaction with regard to property in question was executed in the year 2008 and the present FIR came to be registered in the year 2026 i.e. after lapse of 17 years. No plausible explanation has been provided by prosecution with regard to said huge delay. Furthermore, it is pertinent to note that since 2008-2009 no one has challenged the title of applicant over the property in question. It appears from papers that when applicant came to know about the fraud committed by legal heirs of deceased Pandurang Patil while executing sale deed in his favour, he approached Neral police station on 25/05/2025 and 09/08/2025 and put forth his detailed grievance. It also appears from papers that the entire case is based on documentary evidence which is already in the custody of public authorities. The investigating agency can easily make its access by approaching the concerned public authorities. Taking into account aforesaid aspects, role attributed to applicant and the manner in which the crime in question was committed, in my view custodial interrogation of applicant is not warranted. This is the fit case where the discretion of granting the relief of pre-arrest bail deserves to be exercised in favour of present applicant. So far as the investigation is concerned, the presence of applicant can be secured before the concerned investigating agency by imposing certain conditions upon him. Resultantly, I pass the following order.

ORDER

1. The application is allowed.

2. In the event of arrest of applicant Swaraj Singh Yadav s/o Diwan Singh Yadav in C.R.No.64/2026 registered with Neral Police Station for offences p/u/secs.474, 470, 466, 464, 463, 415, 390, 383, 203, 200, 198, 177 of Indian Penal Code, 1860, he be released on bail on his executing PR bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction concerned investigating officer.
3. The applicant shall attend Neral Police station on **15/06/2026, 16/06/2026 and 17/06/2026** between 12.00 noon and 02.00 p.m. and shall make himself available for investigation as and when required by the investigating officer and shall co-operate with the investigation.
4. The applicant shall not directly or indirectly make any inducement, threat and promise to any person, acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or any police officer.
5. Inform the concerned police station.

Panvel
Date :-10/06/2026.

(S. R. Ugale)
Additional Sessions Judge,
Panvel-Raigad

CERTIFICATE

I affirm that, the contents of this P.D.F. file judgment/ order are same, word to word, as per the original Judgment.

Name of Stenographer : S.J Sheth Steno(Grade-1)
Name of Court : District Court-1 & Additional
Sessions Court, Panvel
Date of Dictation (direct) : 10/06/2026
Order signed by the PO on : 10/06/2026
Order uploaded on : 10/06/2026