



Cri. Bail Appln. No.667 of 2026
Rajesh -vs- P.S. Frezarpura
CNR No.MHAM010026582026

Order Below Exh.1

(Passed on 11/08/2026)

The applicant Rajesh @ Rajendra Shankarrao Ahir apprehending arrest in Crime No.536/2026 registered with Police Station Frezarpura, Amravati for the offences punishable under Sections 406, 420, 34 of IPC is seeking pre arrest bail filed under section 482 of BNSS, 2023.

2. Heard learned Adv. Shri. N.W. Marodkar, for the applicant and learned APP Shri. Tapdiya.

3. The allegations in short stem out of an oral report by one Manoj Yelane. It is alleged by him that he is serving as a Assistant Teacher at Z.P. Prathmik Shala Karajgaon Panchayat Samit, Darvha Dist. Yavatmal and his relative viz. Rajesh @ Rajendra Shanakarrao Ahir is a property broker by occupation. Informant alleged to have contacted Rajesh Ahir to convey his intention of purchasing a plot. Rajesh Ahir arranged a meeting with Sanjay Vishwasrao Gaikwad present applicant. Both Rajesh and Sanjay showed him plot No.14 of a field on 11/05/2022. Then he went to the house of Sanjay Gaikwad with Rajesh Ahir where one Manish Parwani owner of the plot was present. The rate of the plot was decided. Manish Parwani showed photocopy of old sale deed which was actually an agreement to sell and conveyed intention to sell also. ₹1,30,000/- was paid as earnest. Transaction was scribed down on a stamp paper of ₹100/-. Sanjay and Rajesh both took brokerage of ₹5,000/-. After some days they introduced informant to one Mangesh Tayade who also wanted to sell a plot. A plot was shown and the deal was finalized. Cash amount of ₹1,50,000/- was paid towards earnest and agreement to sell was prepared. Payment of ₹7,000/- for documentation and ₹31,000/- was paid to Mangesh and Rajesh respectively by phone pay. Informant alleges

that since then Manish Parwani and Mangesh Tayade was avoiding to execute sale deed by giving vague answers and accordingly informant lodged the report on which offenses as aforesaid came to be registered.

4. The learned counsel Shri. Marodkar for the accused / applicant contends that it is a case of false implication. Incident is of 2022 and report is given in 2026 because applicant filed a complaint against Manoj Yelane. Learned counsel invites attention document No.2 thereof given to Rajepeth Police Station on 09/05/2026 alleging dishonor of the cheque and threatening to kill. Learned counsel contends that after the same criminal colour is given to the transaction. He contends that by virtue of interim order the applicant had attended the Police Station twice and is ready to abide by the conditions if any imposed.

5. The learned APP Shri. Tapdiya opposing the bail contends that there is active role of Rajesh Ahir and Sanjay Gaikwad. They have also obtained brokerage. He contends that investigation will be hampered if pre arrest bail is granted to them.

6. I have perused the application, reply and case diary. Perusal of the FIR does not show intention of cheating to be existing since inception of the transaction. That apart transactions are of 2022 and report is given in 2026. Column No.8 of the printed FIR required reasons of delay in lodging report is empty. The Police have registered offence under section 406 of IPC also. It is well settled as reiterated by the Hon'ble Apex Court in **Arshad Neyaz Khan -vs- State of Jharkhand**, that offence of cheating and criminal breach of trust cannot coexist on same allegations. While the offence of cheating requires criminal intention to deceive from the inception, the offence of criminal breach of trust involves lawful entrustment at the beginning which is later misappropriated.

7. Going by the FIR in the present case, in respect of the first

transaction, the informant very well knew that the so called vendor Manish Parwani was transacting with him on the basis of an agreement to sell and that such a document does not convey title in the vendor. As regards the second transaction informant does not specify what title documents in the name of Mangesh Tayade were seen by him.

8. Perusal of the case diary shows that Rajesh Ahir and Sanjay Gaikswad are alleged to have signed as witnesses. In the statement of informant subsequently recorded also there is no whisper what title document of Mangesh Tayade was seen. As such, for reasons as aforesaid since both offences viz. 406 and 420 cannot go together on the basis of same allegations, a prima facie case is made out for grant of pre arrest bail. The applicant has attended the Police Station twice. He can be directed to attend the Police Station and cooperate in the investigation. Refusing pre arrest bail to enable possible arrest and further police custody to extract earnest amount paid is not the remedy informant can possibly have on the basis of such report. Hence, being inclined to grant pre arrest bail on conditions I proceed to pass the following order :-

Order

- 1] The Cri. Bail Appln. No.667 of 2026 is hereby allowed. Interim order dated 15/07/2026 below Exh.5 is hereby confirmed.
- 2] Conditions No.(b) to (d) shall to continue and Condition No.(a) to continue till filing of charge-sheet with the modification to attend Police Station as and when by written intimation by the I.O. and to cooperate in investigation.

Date - 11/08/2026

(Amit G. Joshi)
Additional Sessions Judge, Amravati.

Certificate

I affirm that the contents of this pdf file judgment / order are same word to word as per the original.

Name of Court	:-	District Judge - 1 & Addl. Sessions Judge, Amravati.
Name of Stenographer	:-	R.V. Khope, Stenographer Grade – 1.
Date of Order	:-	11/08/2026
Date of Signature by P.O.	:-	11/08/2026
Order uploaded on	:-	11/08/2026