

Order below Exh. 1 in Criminal Bail**Application No. 429/2026**

[CNR No. MHNS010016202026]

1. This is an anticipatory bail application preferred by applicants namely (1) Kanhaiyalal Chetandas Manwani and (2) Vinod Kanhaiyalal Manwani under section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 in C. R. No. 64/2026 registered in Sarkarwada Police Station, Nashik for the offence punishable under section 335, 336(2), 336(3), 337, 338, 318(4), 3(5) of BNS.

2. Brief facts giving rise to the present application are as under :

Mr. Bipin Chandrakant Kajale, Deputy Superintendent, Land Record has filed FIR stating that as per government notification dated 8.11.2013, if land admeasuring more than 4000 sq.mts. is proposed to be developed for the purpose of construction of residential units within the area of Nashik Municipal Corporation, then 20% land is required to be reserved for construction of houses for EWS and LIG category which are to be allotted through Mhada. In spite of this notification, some land owners and developers, with a view to give go-bye to the notification dated 8.11.2013, have prepared hissa Form No.12 by making sub-division of the land admeasuring more than 4000 sq.mts. after the G.R. dated 8.11.2013. Therefore, inquiry was made in such sub-division proceedings and it revealed that in 49 proceedings while making sub-division and preparing separate 7/12 extracts, procedure is not followed properly and in fact without survey measurement of sub-divided land, fake survey maps are prepared and by using such fake survey maps with fake stamps & signatures, hissa Form No.11 & 12 have been prepared and with an intention to cheat State Government, fake sub-divisions

are shown and on the basis of these forged documents, development plan/layout has been submitted to the Nashik Municipal Corporation.

3. It is submitted on behalf of applicants that in 2023 they have purchased land Survey No.70/1, area 1 H 20 R by registered sale deed. Said land was originally owned by Kanubhai Thakkar & others. They have applied for sub-division of land into five parts and accordingly land was sub-divided on 16.12.2016. Accordingly, mutation entry No.772 was passed. Thereafter, separate 7/12 extracts were prepared. However, said partition was not given effect in revenue record. Applicants have not played any role in 2016-17 and they are bonafide purchasers. Nothing is to be recovered or discovered at the instance of applicants. They are ready to abide any condition imposed by the court.

4. Application is opposed by the prosecution by filing say vide Exh.10 and thereby submitted that the applicants have made sub-division by submitting forged and fabricated documents in order to avoid 20% share to government. Investigation is at primary stage. Specimen handwriting and signature of applicants and its examination by expert is necessary. The applicants have cheated the government by showing sub-division of plots. It is submitted by Ld. APP that survey record is not found. There is fake entry of applicant's name in 7/12 extract. Therefore, prima facie involvement of applicants is seen. Thus, prosecution opposed the bail application.

5. Heard both sides. Also perused FIR and investigation papers. Learned advocate for applicants has relied upon sale deed dated 27.3.2023, partition order dated 16.12.2016 issued by Tahsildar Nashik, survey measurement map and Form No.12, 7/12 extract of Survey No.70/1/3, revised layout plan, mutation entry no.16976. It is submitted on behalf of applicants that Survey

No.70/1 admeasuring 1 H 20 R is sub-divided into five parts in the year 2016. Applicants have purchased the land on 27.3.2023. Tentative layout is still pending. Present applicants are not concern with the sub-division proceeding. Co-owners of Survey No.70 have been granted bail. Hence, present applicants are also entitled for bail on the ground of parity. Applicants are ready to co-operate the investigation machinery.

6. It is submitted on behalf of Investigation Officer and Ld. APP that survey record about sub-division of Survey No.70/1 is not found in city survey office. Fake entry of applicant's name is made in 7/12 record. There is prima facie involvement of applicants in commission of crime.

7. It appears from the say filed by Investigation Officer that all the relevant documents which have been alleged to be forged are already in the custody of Investigation Officer. Applicants are ready to cooperate the investigation machinery. In addition to this, learned advocate appearing for applicants has submitted that co-accused with similar allegations in this crime have been granted bail by Hon'ble Bombay High Court. Hence, on the ground of parity present applicants are also entitled for bail. Hon'ble Bombay High Court in anticipatory bail application No. 845/2026, 1110/2026, 1080/2026 and 1085/2026 granted anticipatory bail. From the perusal of FIR, it appears that allegations against present applicants and the applicants before Hon'ble High Court are similar in nature. The Hon'ble High Court observed while deciding the bail application of co-accused that "*The prosecution's case is predominantly founded on documentary evidence, which is already in the custody of the investigating agency. No recovery is sought to be effected from the applicant. In such circumstances, custodial interrogation is not*

warranted, particularly when the applicant has expressed willingness to co-operate with the investigation and furnish specimen signatures and handwriting as required. It is brought to the notice of this Court that in respect of similarly situated co-accused, this Court has, in its writ jurisdiction, by an order dated 17.04.2026, directed that no coercive steps be taken. Admittedly, while the allegations pertain to economic offences of some seriousness, it is well settled that the gravity of the offence alone cannot be decisive. In the facts and circumstances of the present case, the balance tilts in favour of protecting the applicant's liberty, particularly when the prosecution has not demonstrated the necessity of custodial interrogation. In view of the foregoing, this Court is of the opinion that the applicant has made out a case for grant of anticipatory bail."

8. Taking guidance from the bail order of Hon'ble High Court and after verifying the allegations against the present applicants, I come to the conclusion that present applicants are entitled for bail on the ground of parity by imposing certain conditions. Therefore, I proceed to pass following order.

ORDER

1. Application is allowed.
2. In the event of arrest of applicants namely (1) Kanhaiyalal Chetandas Manwani and (2) Vinod Kanhaiyalal Manwani under section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 in C. R. No. 64/2026 registered in Sarkarwada police station, Nashik for the offence punishable under 335, 336(2), 336(3), 337, 338, 318(4), 3(5) of BNS, they be released on bail on executing personal bond of Rs.50,000/- each (Rs. Fifty Thousand only) with one or more surety in the like amount each.

3. The applicants shall attend the police station and co-operate the investigating agency as and when required.
4. The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.
5. Inform concerned Police Station accordingly.

Nashik.

Date : 23.06.2026.

(Smt. K.K.Patil)
Additional Sessions Judge,
Nashik.