

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2383 OF 2015

Bharatbai Ganpatrao Nakate & Ors. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. M.S.Kulkarni, Advocate for Applicants.

Mr. U.S.Mote, A.P.P. for Resp.– State.

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CORAM : V.M.DESHPANDE, J.

DATE : 23rd JUNE, 2015

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PER COURT :

1. This is an application for grant of anticipatory bail since the applicants are apprehending their arrest in connection with Crime No. 8/2015 registered with Naldurga police station, Dist. Osmanabad for the offences punishable u/s 39 of the Maharashtra Money Lending Regulation Ordinance, 2014 read with Section 34 of the Indian Penal Code.

2. Heard Mr. M.S.Kulkarni, learned counsel for the applicants and Mr. U.S.Mote, learned A.P.P. for respondent – State.

3. It is pointed out to this Court that two registered

sale deeds were executed in favour of present applicant No. 1 by Babu Patil and his son Dnyaneshwar Patil on 28/11/2001 and 13/06/2003. In the year 2013, Dnyaneshwar made complaint with the Assistant Registrar of Societies, Tuljapur that the present applicants are money lenders and the sale deeds dated 28/11/2001 and 13/06/2003 are hit by the relevant provisions of the Money Lending Act. After detail enquiry, learned Assistant Registrar of Societies passed order on 04/10/2013 recording specific finding that the transactions dated 28/11/2001 and 13/06/2003 are not the money lending transactions. Normally, the matter should have rest there. However, it appears that in the year 2015, Dnyaneshwar again approached to the Assistant Registrar with the same allegation and the Assistant Registrar recorded finding that it is money lending transaction and, therefore, the offence is registered.

4. It is to be mentioned that though two registered sale deeds are standing in the name of the present applicants from 2001, till today the vendor Babu Patil or Dnyaneshwar Patil did not file any Suit for cancellation of those sale deeds. On the contrary, a Suit bearing R.C.S. No. 300/2013 is filed by the applicants against Dnyaneshwar for permanent injunction, which is pending.

5. In view of the fact that Civil Suit is pending and in the year 2013, specific finding is recorded by the competent authority that there is no money lending transaction, applicants should not be under fear that they can be

apprehended at any time. That leads me to pass the following order :

- (i) Present Criminal Application is hereby allowed.
- (ii) In the event of arrest in connection with Crime No. 8/2015 registered with Naldurga police station, Dist. Osmanabad for the offences punishable u/s 39 of the Maharashtra Money Lending Regulation Ordinance, 2014 read with Section 34 of the Indian Penal Code, applicant No. 1 Bharatbai Ganpatrao Nakate and applicant No. 2 Dayanand Bhagwanrao Gulve be released on anticipatory bail on they executing P.R. Bond of Rs. 10,000/- [Rupees Ten Thousand] with one solvent surety of like amount by each of them.
- (iii) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]