

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4772 OF 2015

Madhukar s/o Pandharinath Gaike,
Age-55 years, Occu:Contractor and Agri.,
R/o-Nalegaon, Tq. & Dist-Ahmednagar.

...APPLICANT

VERSUS

The State of Maharashtra,
(Through Police Station, Kotwali,
Ahmednagar).

...RESPONDENT

...
Mr.Ambar S. Barlota Advocate for Applicant.
Mr.S.R. Palnitkar, A.P.P. for Respondent.

...

CORAM: A.I.S. CHEEMA, J.

DATE : 21ST SEPTEMBER, 2015

ORDER :

1. Heard counsel for the Applicant. It is stated that one Raghunath Shelke has filed complaint on the allegation that the Applicant is indulging in money lending transactions. It is

alleged by the complainant that he has taken money on interest from the Applicant and as he could not repay it, the Applicant and one Balasaheb Walke got executed sale deed of agricultural land from the complainant against such transaction. It is stated that the Authorities carried out raid at the house of the Applicant wherein certain documents were seized. It is stated that from the cheques seized, some of the cheques were executed by one Mr. Suryabhan Waman. It is stated that said Waman is member of society of which the Applicant is chairman and Applicant takes Government contracts and for that purpose and for fulfilling the contract, by way of security cheques are taken from the members. The counsel submitted that affidavit has been filed by Suryabhan Waman and Mr. Pradip Thube explaining the transactions for which the cheques were taken. According to the counsel, the Applicant is not at all involved in money lending business and thus anticipatory bail needs to be granted.

2. Learned A.P.P. submits that in the raid various documents were seized which show that the Applicant has been indulging in money lending transactions and thus further investigation is necessary to find out details about the transactions regarding which documents have been seized.

3. The very fact that the Applicant has gone ahead and sought affidavits from Suryabhan Waman and Pradip Thube to support what would be his defence, shows that Applicant has interfered with the investigation. When the offence has been registered and the Authorities are investigating, it was inappropriate to interfere and take affidavits. In view of such conduct of the Applicant, he is not entitled for grant of anticipatory bail. Even otherwise, looking to the facts of the matter, the documents seized, the Authorities need to investigate all these

transactions thoroughly.

4. For the above reasons, Application stands rejected.

[A.I.S. CHEEMA, J.]

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