

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

CRIMINAL APPLICATION NO.6352 OF 2015

Shamling Maruti Shinde,
Age 59 years, Occu.Business
and agriculture,
R/o Gondhavani, Taluka
Shrirampur,
District Ahmednagar

..Applicant

Versus

The State of Maharashtra,
through the Police Inspector,
Shrirampur City Police Station,
District Ahmednagar

..Respondent

Mr V.D. Sapkal, Advocate for applicant
Mr S.M. Ganachari, A.P.P. for respondent
Mr R.A. Tambe, Advocate assisting the A.P.P.

CORAM : N.W. SAMBRE, J.

DATE : 6th January 2016

PER COURT

Heard.

2. By this application, the applicant is seeking regular bail in Crime No.I-298 of 2015, registered at Shrirampur City Police Station, District Ahmednagar, for the offence punishable under Sections 395, 365, 306, 119, 120-B, 323, 504, 506 (2) of the Indian Penal Code and under the provisions of Sections 39 and 45 of the Maharashtra Money Lending (Regulation) Ordinance 2014.

3. The applicant came to be arrested in above referred crime on the date of lodging of F.I.R. i.e. on 16th October 2015 and since then he is in M.C.R.

4. It is the case of the applicant that provisions of Section 406 and 395 are not attracted in the present case against the applicant. Apart from above, according to him, during his arrest, he was required to medically operated for heart ailment, as such sought regular bail.

5. The prayer for grant of bail is opposed by learned A.P.P., as according to him, there is sufficient material available on record depicting prima facie involvement of the applicant in the crime in question. Learned A.P.P. was assisted by Mr Tambe, learned Counsel for the complainant, who submitted that the application for grant of bail is liable to be rejected, as from the date of arrest, the applicant was in hospital and there is no custodial interrogation.

6. With the assistance, I have perused the investigation papers.

7. Prima facie, it appears that the offence is arising out of the money lending transaction. In my opinion, even if the applicant is further detained, the custodial interrogation is not permissible in view of provisions of the Code of Criminal Procedure. Apart from above, it is not in dispute that the applicant is a heart patient, who was required to be operated during his custody.

8. In view of above, in my opinion, it will be appropriate to grant bail to the applicant. Hence, I proceed to pass the following order:

(I) The applicant be released in Crime No.I-298 of 2015, registered at Shrirampur City Police Station, District Ahmednagar, for the offence punishable under Sections 395, 365, 306, 119, 120-B, 323, 504, 506 (2) of the Indian Penal Code and under the provisions of Sections 39 and 45 of the Maharashtra Money Lending (Regulation) Ordinance 2014, upon furnishing P.R. Bond of Rs.25,000 (Rs.Twenty five thousand) with one surety.

(II) The applicant shall keep himself away from the jurisdiction of City Police Station, Shrirampur till filing of charge-sheet, but for attending the Investigating Officer.

9. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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