

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.886 OF 2016

Pandurang A. Patil	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

ANTICIPATORY BAIL APPLICATION NO.879 OF 2016

Ashok Baburao Tanvani	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

ANTICIPATORY BAIL APPLICATION NO.880 OF 2016

Satish Ganpatrao Suryavanshi	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

ANTICIPATORY BAIL APPLICATION NO.881 OF 2016

Prakash Ramesh Tonape	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

ANTICIPATORY BAIL APPLICATION NO.890 OF 2016

Jaysingh Bapu Jadhav and Ors.	..Applicants.
V/s.	
State of Maharashtra	..Respondent.

ANTICIPATORY BAIL APPLICATION NO.891 OF 2016

Bipin Omkar Parmar	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

ANTICIPATORY BAIL APPLICATION NO.900 OF 2016

Vikas Krishna Khot	..Applicant.
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V/s.
State of Maharashtra

..Respondent.

ANTICIPATORY BAIL APPLICATION NO.902 OF 2016

Monika Prashan Sawant and Anr.
V/s.

..Applicants.

State of Maharashtra

..Respondent.]

ANTICIPATORY BAIL APPLICATION NO.914 OF 2016

Ranjeet Ashok Chavan
V/s.

..Applicant.

State of Maharashtra

..Respondent.

Mr.Sanjeev P. Kadam i/b. Mr. P.P. Paul for the applicant in
ABA/886/16.

Mr.Sujit Bharva Shelar for applicant in ABA/879/16, 880/16,
881/16.

Mr.A.P.Mundargi, Senior Advocate i/b. Mr.Abhishek Yende for
applicant in ABA/890/16.

Mr.Indrajit Joshi for applicant in ABA/891/16.

Mr.Purusuhotom G,Chavan for applicant in ABA/900/16.

Mr.Prafulla B. Patil for applicant in ABA/902/16.

Mr.Tajas Hilage for applicant in ABA/914/016.

Mr.Arfa Sait, APP for respondent-State.

CORAM : AM.BADAR, J.

DATED : 20TH JUNE, 2016

P.C. :-

1. Applicants / accused by these applications are seeking pre-arrest bail in Crime No.77/2016 for offences punishable under section 385, 504, 506 read with 34 of the Indian Penal Code and under sections 23, 39, 42 and 45 of the Maharashtra Money Lending (Regulation) Act, 2014 registered with Juna Rajwada Police Station, Kolhapur at the instance of Sou. Rohini Amol Pawar.

2. Heard the learned counsel appearing for applicants. They argued that Amol Pawar – husband of the informant had taken loans from whatever sources which were available, including banks and societies and he had indulged in multiple transactions of properties with several persons. They unanimously argued that husband of the first informant was neck deep in debt and to come out of this financial crises, he has committed committed murder of a casual labourer by keeping him inside his car and setting the car ablaze in order to make a show that it was he (Amol Pawar) who was in the car. This was done in order to claim the amount of Rs.3.5 crores towards insurance money. On 10th March, 2016 offence punishable under section 302 of the Indian Penal Code came

to be registered against Amol Pawar. While he was in judicial custody in this crime, his wife had lodged this F.I.R. on 7th April, 2016 involving all applicants in several alleged money lending transactions.

3. The learned APP by placing reliance on the case diary as well as chart showing the complicity of applicants has vehemently argued that custodial interrogation of applicants is absolutely essential as the Investigating Officer wants to recover the blank stamp papers as well as blank cheques signed allegedly by Amol Pawar.

4. Perused the papers of investigation and the supplementary statements of Rohini Amol Pawar.

5. It is seen in the F.I.R. allegations are made against applicants in similar manner. It is averred that Amol Pawar who works as a builder was in need of finance, therefore, he has obtained hand-loans from applicants and as security for repayment of that loan in several cases, he has executed sale deeds of the properties in favour of either applicants or their relatives. The F.I.R. itself shows that Amol Pawar had executed

sale deed of plot C-3 paika from Gut No.1009/2B/2C in favour of Vinod Uttam Patil, cousin of Pandurang Patil – applicant in ABA/886/2016 in the month of August, 2015. The F.I.R. further shows that Amol Pawar executed sale deed of the same plot in favour of Ashok B. Tanwani – applicant in ABA/879/16 in the month of July, 2015. These recitals in the F.I.R. goes to show that there is substance in contention of the learned counsel appearing for applicants that Amol Pawar, because of financial crisis, was involved in multiple sale transactions of the same properties in respect of several persons.

6. Be that as it may, the F.I.R. itself shows that Amol Pawar had taken hand-loans from applicants and he had failed to repay the same. The F.I.R. contains allegation against applicants to the effect that they were insisting on Amol Pawar to repay the loan by visiting his house time and again and by giving abuses to his family members. The F.I.R. shows that the informant had alleged that applicants were threatening her as well as her family members for refund of loan amount.

7. Considering the fact that the F.I.R. itself depicts multiple transactions by the husband of the informant namely

Amol Pawar, who is an accused in a Crime No.31/2016 with Ajara Police Station, Kolhapur in which allegedly he had killed one person to cheat the Insurance Company, I do not think that this is a case where custodial interrogation of applicants is warranted. *Prima facie*, it is seen that in order to avoid payment, each and every applicant is implicated by adding spice to the allegations. Liberty of applicants needs to be protected as in this factual backdrop as it gets precedence over the interest of the Investigation Officer for custodial interrogation. There is every possibility of false implication of applicants for avoiding hand-loans taken by Amol Pawar.

8. In the result, the following order :-

- (i) All applications are allowed;
- (ii) In the event of their arrest, Applicants / accused in Crime No.77/2016 for offences punishable under section 385, 386, 504, 506 read with 34 of the Indian Penal Code and under sections 23, 39, 42 and 45 of the Maharashtra Money Lending (Regulation) Act, 2014 registered with Juna Rajwada Police Station, Kolhapur they be released

on bail on their executing P.R. bonds in the sum of Rs.25,000/- each with one or more sureties in the like amount;

- (iii) As a condition of this order, applicants / accused shall attend Investigating Officer on 26th June, 2016 and 3rd July, 2016 between 11.00 a.m. to 1.00 p.m.;
- (iv) Applicants / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade him from disclosing such facts either to the Court or to any police officer and that they shall not tamper with the evidence;
- (v) Applicants / accused shall inform their latest place of residence and cell number/s after their release and continue to inform the change in residence or cell number, if any, from time to time to the Investigating Officer or the concerned police station and on filing the charge-sheet to the concerned Court;

- (vi) Applicants / accused shall co-operate for expeditious disposal of the trial;
- (vii) Applicants / accused shall not commit an offence similar to the offence of which they are accused or suspected of commission;
- (viii) All applications are disposed of accordingly.

(A.M.BADAR, J.)