

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

CRIMINAL APPLICATION NO. 2180 OF 2017

Vishal s/o Amrutrao Patil
and others

... Applicants

VERSUS

The State of Maharashtra & anr. ... Respondents

.....

Mr. R.S.Shinde, advocate for the applicants

Mr. A.D.Namde, A.P.P for respondents

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CORAM : K.L.WADANE, J.

DATED : 23rd JUNE, 2017

O R D E R :

Heard learned counsel for the applicants
and the learned A.P.P. for respondents.

2. Complainant Bharithibai Chample lodged
complaint with police station Deoni on 12.2.2017
alleging that at about 11.30 a.m. to 12.00 noon
all the accused persons came to her house. They
abused the complainant and asked to pay Rs.
20,000/- otherwise they will kill her son. The

accused further told that the son of complainant has borrowed some amount from one money lender and he sent them for recovering the said amount. It is further alleged that the accused persons have threatened the complainant. On the basis of information given by informant, offence came to be registered as Crime No. 35 of 2017 for the offences punishable under Sections 452, 384, 294, 506 r/w 34 of the Indian Penal Code.

3. Learned counsel for the applicants points out that applicant no.1 gave certain amount to son of the complainant namely Dnyanoba and for its repayment Dnyanoba issued cheque, which is at Sr. No.17 for Rs. 50,000/-. Subsequently, the said cheque has been dishonoured. So applicant no.1 has issued notice to Dnyanoba for filing complaint under Section 138 of the Negotiable Instruments Act.

4. Learned counsel for applicants has not pressed application of applicant no.1.

5. Learned A.P.P. submits that applicant no.1 is money lender and out of the transaction of

money lending Dnyanoba has obtained certain amount from applicant no.1 and for its repayment Dnyanoba issued the cheque. Therefore, the allegations of threat for recovery of certain amount against applicant no.1 appears to be probable. However, there was no reason for other accused persons to demand certain amount from the informant.

6. In such circumstances, protection from pre-arrest can be granted to the applicant nos. 2 to 4. Hence following order.

(i) In the event of arrest of applicant nos. 2 to 4 they shall be released on bail in connection with Crime No. 35 of 2017 registered at Deoni police station, District Latur for the offences punishable under Sections 452, 384, 294, 506 r/w 34 of the Indian Penal Code. on furnishing P.R. bond of Rs. 10,000/- with one surety in the like amount.

(ii) Applicant nos. 2 to 4 shall not tamper with the evidence of prosecution in any manner and shall cooperate in further investigation.

(iii) Applicant nos. 2 to 4 shall remain present

in the police station for the purpose of investigation as and when required.

7. Criminal Application is disposed of.

8. The above observations are made to consider the prayer of bail. The Trial Court shall not be influenced by the said observations at the time of conclusion of trial.

(K.L.WADANE, J.)

dbm/crap2180.17