

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 745 OF 2017**

1.	Baburao Changdevrao Hange,	
2.	Shantabai Gahinath Jaybhaye	...Applicants
	Versus	
	State of Maharashtra	...Respondent

Mr. Satyavrat Joshi for the Applicants

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

HC Mr. Avinash S. Shinde from Foujdar Chawadi Police Station, Solapur City, is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 7th JUNE, 2017

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P for the State.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 143 of 2017 registered with the Faujdar Chawadi Police Station, Solapur, for the alleged offences punishable under Sections 33, 39 and 41 of the Maharashtra Money Lending Act.

3. Learned Counsel for the applicants submitted that the applicants have been falsely implicated in the said case. He submitted that even otherwise, the custody of the applicants is not required as the police had raided the applicants' house and have seized all the documents. He further submits that the applicant No.1's grandson had purchased land by registered Sale Deed and as such the allegations made by the complainant that the land was mortgaged with applicant No. 2, is incorrect.

4. Learned A.P.P does not dispute the fact that all the documents have been seized from the house of the applicants. She states that none of the witnesses have stated that money was being lent by the applicants.

5. Perused the papers. According to the complainant, he had mortgaged the land with applicant No.2, however, the documents show that the applicant No.1's grandson had purchased the said land by a registered Sale Deed. Learned A.P.P states that all the documents which have been seized from the house of the applicants are in their custody. Learned A.P.P is unable to point out any statement which shows that the applicants were doing the business of money lending. Hence, custodial interrogation of the

applicants is not required. Accordingly, the applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- each, with one or two sureties in the like amount ;
- (ii) The applicants shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier;
- (iii) The applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.
- (iv) The applicants shall inform their latest place of residence and mobile contact numbers and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

- (v) The applicants to cooperate with the investigating agency.
6. The application is allowed in the aforesaid terms and is accordingly disposed of.
7. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.