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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1335 OF 2017

Avinash Zad ...Applicant
V/s.
The State of Maharashtra ...Respondent

Mr.Sanjeev P. Kadam for the Applicant.

Mr.A.A. Palkar, APP for the Respondent.

CORAM : T.V. NALAWADE, J.
DATE : 31ST AUGUST, 2017.

P.C. :-

1. The application is filed for anticipatory bail in C.R. No.379 of 2017 registered with Satara City Police Station for the offences punishable under sections 395, 323, 504, 506 of IPC read with sections 39 and 45 of the Bombay Money Lending Act, 1946. Both sides are heard. The papers of investigation are made available for perusal of this Court.

2. The allegations are made against the present applicant and the main accused Pramod Dharashivkar, they were doing money lending business illegally. In the year 2014, the complainant was in need of money for his business and so he approached the main

accused Pramod Dharashivkar. According to him, the amount of Rs.3.00 lakh was given by way of loan and as security, Gat No.5/4, admeasuring 36 gunthas was transferred by way of sale in the name of the present applicant Avinash Zad. It is contended that Avinash Zad is associate of the main accused. It is contended that interest at the rate of 10% per month was charged and from the principal amount itself, an amount of Rs.60,000/- was deducted towards interest. He has contended that he returned the amount in installments and when he had returned the amount of Rs.2.70 lakh and when he had asked to re-convey the property, a demand of Rs.7.5 lakh was made from him. He has contended that the threats of life were also given. It is contended that the time of four months was given to him to make payment and then he was asked to execute the document in respect of one more property. It is contended that till February, 2015, he had returned the amount of Rs.9.00 lakh, but he was compelled to execute one more sale-deed in respect of the land in favour of the present applicant and area of the land is around 11.90 gunthas. It is contended that even after executing the second document, the main accused is not satisfied and in one incident dated 4th May, 2017, he was virtually robbed by the main accused and his associates by taking aware the cash amount of Rs.32,000/- which was on his person.

3. Learned counsel for the applicant submitted that the applicant was not involved in the offence of dacoity and so he is entitled to get the relief. Last time the entire record, including the record of interrogation of the main accused was not available. That record is now made available. That record shows that the present applicant is working as associates of the main accused and in the money lending transaction by way of security, the two documents were executed in favour of the present applicant. It appears that the present applicant has already transferred the first property in favour of third party. Learned counsel for the applicant submitted that the applicant is ready to deposit the sale consideration of Rs.1.90 lakh shown in the first transaction and is ready to give an undertaking that he will not transfer the second land to the third party. On the basis of such submission, the relief cannot be granted. The papers of investigation show that huge interest was charged and virtually the person to whom a meager amount was given is exploited and that could happen due to muscle power by the main accused.

4. The present applicant is associate of the main accused and the circumstance that his name is not taken in the offence of dacoity committed by the main accused cannot be used in his favour at this stage. They virtually exploited debtor and the amount is extracted by giving threats. Thus the provisions of section 384 also

can be used against the present applicant as the huge amount is already extracted from the family member of the first informant. Such instances are increasing day by day. This Court holds that the discretion cannot used in favour of the applicant. In the result, the application stands rejected. Interim relief is vacated.

(T.V. NALAWADE, J.)