IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1436 OF 2017

Vijay Shivpad Erandole & Anr. .. Applicants
Vs.
State of Maharashtra .. Respondent

Mr.M.S.Mohite i/by Mr.S.R. Phanse for the applicants.
Ms.A.A.Takalkar, Additional Public Prosecutor for the respondent.

CORAM : T.V. NALAWADE, J.
DATE : 11th August 2017

P.C. :

. The application is filed for the relief of anticipatory bail in C.R.No.0184 of 2017 registered with Bharati Vidyapeeth Police Station, Pune for the offences punishable under the provision of Section 39 of the Maharashtra Money Lending (Regulation) Act, 2014. Both the sides are heard. Papers of investigation were made available for perusal of this Court.

2. The applicant no.2 is the son of the applicant no.1. The complaints were received by the authority, Assistant Registrar Co-operative Society against the present applicants that they were doing money lending business illegally when they were not having license of such money lending business and they were grabbing the property of poor persons. The Assistant Registrar made an enquiry into the matter with the help of the police, he took search of the residential place of the present applicants. They were living together. As per the provisions of Maharashtra Co-operative Societies Act, 1960 and the Maharashtra Money Lending (Regulation) Act, 2014, report came to be given to the

police on the basis of the records collected from the residential place of the applicants and the crime is registered.

3. The submissions made and papers show that during the search of the house of the applicants, at least 39 diaries and notebooks were found and they were containing the names of various persons who had pledged gold ornaments and other articles for taking loan. There were also particulars of interest which was to be charged. Similarly, there were blank stamp papers having signatures of various persons. There were 13 blank stamp papers of various dates. There were files in respect of the property of Sudhakar Behade. There was record in respect of son of the complainant Meghan Mukund Bhalerao. There were 97 blank cheques drawn on different banks by different persons. There were other 29 cheques and zerox copies of cheques and there were 43 documents like Deeds and Agreements. Gold weighing around 2 kg. was also recovered.

4. Learned counsel for the applicants submitted that in the past, the applicant no.1 was having money lending business but he had not it get renewed. It is the contention that till the year 2002, he had such license. The submissions made and the records collected show that the record in respect of the money lending transactions is subsequent to the period mentioned by the applicants and so for the present proceeding, there is no scope to the present applicant no.1 to say that the record is in respect of previous transaction. In any case, if he is continuing in the business of money lending and those documents pertains to the money lending transactions then it was necessary for the applicant no.1 to get the license renewed.

5. Learned counsel for the applicants submitted that the applicant no.2 is in real estate business and there is only one transaction appearing in the document which was made by the applicant no.2. He submitted that the said transaction was real one and consideration was given. This submission is also not acceptable at this stage in view of the other aforesaid record mentioned before this Court.

6. The aforesaid material is sufficient to draw inference for the present purpose that both the present applicants are doing money lending business illegally and they are charing interest on money lending transactions. Such cases are increased day by day. In view of purpose behind of the provisions of the Money Lending Act and punishment provided under Section 39 of the Act, further investigation is necessary.

7. Learned counsel for the applicants submitted that in Money Lending Act, there is a particular procedure given for making an enquiry and even for returning back the properties which are found to be acquired in illegal money lending business and so there is no necessity to reject protection to the present applicants. This submission is not at all acceptable. When there is a specific provision made in the said Act for imposing penalty, separate criminal proceeding can be started and in such cases, it needs to be started. This Court holds that there is sufficient material to hold that both the applicants are involved in offence and custodial interrogation is must in this case. Only after that the victims will come forward and so the relief cannot be given to the applicants. In the result, the application stands rejected.

T.V. NALAWADE, J.