

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 909 OF 2018

Shri Bharat Bhagwan Pawar ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Ms. Poonam P. Bhosale a/w. Ms. Smita Bhise for the Applicant.

Mr. S.R. Agarkar, APP for the State.

Mr. A.N.Rangut, Police Head Constable Karkamb Police Station,
Solapur Rural present.

Mr. Shankar Katkar, Intervenor/Original Complainant present.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : SEPTEMBER 21, 2018.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in C.R.No. 76 of 2018 registered with Karkamb Police Station, Solapur for offences under Section 39 and 46 of Maharashtra Money Lending Act.
2. Heard Ms. Bhosale, the learned Counsel for the applicant, and the learned APP for the State.
3. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties.

4. The aforesaid crime was registered pursuant to the FIR lodged by Sushila Dadasaheb Shelke. The FIR prima facie reveals that the husband of the first informant had obtained loan and that he had secured the said loan by mortgaging his property. It is alleged that despite repaying the said loan, the applicant had not released the said land and threatened the husband of the complainant.

5. It may be mentioned here that by order dated 2.5.2018 this Court had granted interim bail to the applicant. While granting the interim bail, this Court had observed that the copy of the sale deed dated 17th May, 2012 produced by the applicant prima facie reveals that the applicant had purchased the property from the husband of the first informant. Considering the above facts, interim bail was granted and the applicant was directed to report to the Investigating Officer for the purpose of interrogation. It is submitted that the applicant has already reported to the Investigating Officer and that he has already been interrogated.

6. The learned APP submits that the investigation is almost completed and chargesheet would be filed within 15 days. It is thus evident that the presence of the applicant is not required for the purpose of interrogation, much less custodial interrogation.

7. Considering the above facts and circumstances, the application is allowed on the following terms and conditions:

(i) In the event of arrest of the applicant in Crime No. 76 of 2018 registered with Karamb Police Station, Solapur, the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount.

(ii) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(iii) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

Prasanna
Pradeep
Salgaonkar

Digitally signed
by Prasanna
Pradeep
Salgaonkar
Date:
2018.09.26
18:46:23
+0530

(ANUJA PRABHUDESSAI, J.)