

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

ANTICIPATORY BAIL APPLICATION NO.1209 OF 2018

Gangaram Sadashiv Shelar Applicant

Vs.

The State of Maharashtra Respondent

Mr. Vishal Laxman Kolekar for the Applicant.

Mr. Vinod Chate APP for the State.

Mr. D.N. Dagade, HC, Shikrapur Police Station, Pune Gramin

Coram : Smt. Sadhana S. Jadhav, J.

Date : 22nd June, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 438 Code of Criminal Procedure. The applicant herein who happens to be Village Development Officer is apprehending his arrest in Crime No.264 of 2018 registered at Shikrapur Police Station, Pune for the offences

punishable under Sections 504, 506 of Indian Penal Code and Section 39 of the Maharashtra Money Lenders Act, 2014.

3 It is the case of the prosecution that on 11th May 2018, Chandrakant Limbraj Gambhire lodged a report at the police station alleging therein that he runs tours and travels business in the name of “Hari Om Tours and Travels”. He had suddenly gone into the losses as the vehicles had failed. He had borrowed hand-loan from people in the village. He had to pay the loans of the vehicles and therefore he had decided to sell his residential house. Dagdu Darekar had agreed to purchase his house for the consideration of Rs.11,50,000/-, however, the said deal had failed. He had approached the present applicant to get the 8A Form corrected by him, as he was Village Development Officer. He was not willing to correct 8A Form. The complainant had informed him that his economic condition was very poor. At that stage, the present applicant had allegedly offered to give him a loan. The complainant had demanded a loan of Rs.5,00,000/-. He had taken the original stamp papers of his house. He had given him

Rs.2,00,000/- on interest at the rate of Rs.5% per month and thereafter he had given a loan of Rs.1,15,000/- at the rate of Rs.10% per month. In all he had given a loan of Rs.7,40,000/-. He has repayed a substantial amount, however, the applicant was not giving him the accounts. He was asking for the penalty of 10% for delayed payments. He had told the complainant that he would allow him to sell the house and had threatened him because of his post. On 14th July 2017, he threatened him of dire consequences and since he was fed up of the harassment at the hands of the present applicant, he had consumed insecticide. However, he was shifted to the hospital immediately by the family members and was saved. Thereafter he had lodged a report.

4 Perused the papers of investigation, which show that the applicant had given money to the complainant on interest. There are messages which show that since 30th January 2018, he was pressing the applicant for giving the correct accounts. The applicant had replied that the complainant would have to pay Rs.10,000/- and thereafter at the rate of Rs 5% from 2nd May 2017 and 10% from 23rd

May 2017 and again 5% from 2nd May 2017 and according to the complainant he had received Rs.20,000/-. According to the applicant, the complainant owed him about Rs.5,00,000/-. The complainant had reported to the Commissioner of Co-operative Department on 5th April 2018 that the present applicant is indulging into money lending. On 12th February 2018, he had informed the Police Inspector of Shirkrapur police station. However, since the applicant was a Government servant, no cognizance was taken. The complainant was fortunate that his life was saved by the family members. It appears that the applicant had given money to several people by hypothecating either their vehicles or their houses. It is a case of public servant who is indulging into money lending without having license. In view of this, the applicant does not deserve pre-arrest bail. Hence, the application seeking pre-arrest bail under Section 438 Cr.P.C. deserves to be rejected.

5 The observations are restricted to application under Section 438 of the Code of Criminal Procedure, 1973 and shall not

be taken into consideration for the purpose of quashing of FIR,
discharge application or at the time of trial.

(*Smt. Sadhana S. Jadhav, J*)