

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

ANTICIPATORY BAIL APPLICATION NO. 1805 OF 2017

Venkat Dada Dadas.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1806 OF 2017**

Rajkumar Venkat Dadas.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Ajit Jayawant Kenjale a/w. Sahil Gulabani, advocate for Applicant.

Mr. N.B. Patil, APP for State.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 17, 2018**

P.C.:

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

2 These are applications under section 438 of the Code of Criminal Procedure, 1973. The applicants herein are apprehending their arrest in C.R. No. 286 of 2017 registered at Phaltan City Police Station on 24/8/2017 for offence punishable under section 324, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code and under section 39 and 45 of the Maharashtra Money Lending Regulation Act, 2014.

3 It is the case of the prosecution that the applicant alongwith the complainant Sanjay Jagtap were working as estate agent and were conducting business of land development. It appears that the applicant had borrowed some amount from the complainant. The complainant was harassing the applicant to return the said amount so much so, that the applicant had to approach Phaltan Police Station and had informed the police that the complainant is threatening them of dire consequences and have roped with anti-social element to assault him. Thereafter, the complainant had approached the police station and had sought help from the police to recover the amount of

Rs. 15 to 16 Lakhs which the applicant had allegedly borrowed from him. On 26/4/2017 the applicant had again approached the police station against the complainant. Thereafter, the complainant had filed counter complaint and the police had closed the enquiry by recording statement of both the applicant and complainant that their money transactions have been settled.

4 On 24/8/2017 Sanjay Jagtap has again lodged a report at the police station that on 23/8/2017 he was proceeding on his motor cycle to his village-Dhuldeo. When he travelled some distance, he realised that he was being followed by another motor cycle. That he was accosted by three unknown persons on the motor cycle and was assaulted by them. He was dragged up to canal where he saw the applicants standing in guard. He has promised the applicants that he would return the amount. However, the applicant had threatened him that he would eliminate him. According to the complainant, he had borrowed Rs. 2 Lakhs from applicants. He had returned the amount. However, he could not pay the regular installment

alongwith interest and therefore, he was assaulted by three unknown persons who were hired by the applicants.

5 Taking into consideration the papers of investigation, the injury certificate indicates that the complainant has sustained four simple injuries. It appears that the applicants are being prosecuted by the complainant for offence punishable under section 39 and 45 of the Maharashtra Money Lending Regulation Act, 2014. Upon query made by this court, the learned APP submits that the Investigating Officer has filed an application to the Assistant Registrar of Co-operative Societies to enquire as to whether the applicants are indulging into Money Lending activities. The report is awaited.

6 It is also submitted that there is another complaint against the applicants under the the provisions of Money Lending Act. However, as on today, there is no report from the Assistant Registrar of Cooperative Societies, which would indicate positively that the applicants are indulging into money lending activities.

7 As far as Crime No. 286 of 2017, the applicants have made out case for grant of pre-arrest bail. The order dated 12/10/2017 deserves to be confirmed on the same terms and conditions.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)