

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

ANTICIPATORY BAIL APPLICATION NO.1496 OF 2019

Vilas Krushna Mane

.... Applicant

versus

The State of Maharashtra

.... Respondent

- Mr. Rajaram V. Bansode, Advocate for Applicant.
- Mr. Y. M. Nakhwa, APP for the State/Respondent.
- Mr. Gajanan Jadhav, PSI, Malshiras Police Station present.

CORAM : SARANG V. KOTWAL, J.
DATE : 10th JULY, 2019

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No.191/19 registered with Malshiras Police Station, Solapur Rural under Sections 506 and 504 of IPC and under Sections 39 and 45 of the Maharashtra Money Lending Act, 2014.

2. The FIR is lodged by one Nilesh Kasture on 27/4/2019. Said Nilesh Kasture has stated in his FIR that he was in need of money and therefore he obtained hand loan of Rs.20,000/- from

the present applicant in the month of December 2017. At the time of advancing this loan, the applicant allegedly got a blank cheque signed by him. The first informant was also made to give a blank stamp paper signed by him. Thereafter, the first informant repaid his loan and paid Rs.20,000/- by way of interest. Thus, he paid in all Rs.40,000/-. When the first informant demanded his cheque and stamp paper back, the present applicant instead of giving them back, demanded Rs.10,000/- more. According to first informant, the applicant filled the blank cheque and deposited in the bank. The cheque was dishonoured. The applicant thereafter filed proceeding under Section 138 of Negotiable Instrument Act against the first informant. It is the case of the first informant that on 14/4/2019 the applicant threatened him and demanded Rs.3 Lakhs. The applicant threatened that the first informant would be murdered if the amount is not paid. On the basis of this, the FIR is lodged.

3. Heard Mr. Rajaram Bansode, Ld. Counsel for the Applicant and Mr. Nakhwa, Ld. APP for the State.

4. Ld. Counsel for the applicant pointed out that the proceedings under Section 138 of N. I. Act were initiated on 3/12/2018 and as a counter blast the present FIR is filed against the present applicant.

5. As against this, Ld. APP pointed out that during investigation statement of first informant's friend is recorded who has supported the case of first informant. Perusal of the statement of this witness shows that he does not have any information. He was only knowing about the transaction as was told to him by the first informant.

6. There is considerable force in the submission of Ld. Counsel for the applicant that after initiation of proceeding under section 138 of N. I. Act, against him, the first informant chose to file this FIR, as a counterblast to pressurise the applicant.

7. Ld. APP on instructions made a statement that there are no similar offences pending against the present applicant at

Malshiras Police Station. Therefore, at this stage, there is nothing on record to show that present applicant was carrying on the business of money lending without licence. In this view of the matter, the applicant has made out a case for anticipatory bail. Hence, the following order.

ORDER

- (i) In the event of his arrest in connection with C.R. No.191/19 registered with Malshiras Police Station, Solapur Rural the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)