

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

ANTICIPATORY BAIL APPLICATION NO.1251 OF 2019

Sukhdev Shankar Jadhav

.... Applicant

Versus

The State of Maharashtra

.... Respondent

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- Mr. Rupesh A. Zade for Applicant.
 - Mr. Prashant Jadhav, APP for the State/Respondent.
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CORAM : SARANG V. KOTWAL, J.

DATE : 12th JUNE, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.193 of 2019 registered with Walchand Nagar Police Station, Pune, under sections 504 and 506 of the Indian Penal Code and under section 31(3)/44, 39 and 45 of The Maharashtra Money Lenders Act.

2. The FIR was lodged by one Dashrath Jadhav on 27/04/2019. According to him, initially in the year 2014 he had obtained loan from one Deepak Sakhare to the tune of

Rs.6,50,000/-, for which he had sold his land at Tavshi, Tal. Indapur, Dist. Pune bearing Gut No.219, admeasuring 44R. The sale deed was executed in favour of Deepak Sakhare. The FIR further mentioned that the loan amount was to be returned within 10 months and after that the land was to be reconveyed in favour of the first informant. However, that loan was not repaid, therefore, first informant obtained loan from the present applicant on 14/05/2015. The present applicant is nephew of the first informant. He obtained loan of Rs.8 lakhs with interest @ 3%. It is the case of the first informant that with the consent of Deepak Sakhare the land was transferred in the name of present applicant. Initially, the first informant was able to pay the interest @24%p.m. In all he paid Rs.6,96,000/-, thereafter he could not repay the loan with interest. According to the first informant the applicant was demanding Rs.28 lakhs. He was threatening that if the said amount was not repaid, he would not allow the first informant to take any crop in that land. The FIR also mentioned that the applicant thereafter threatened on few occasions. Based on these allegations, the FIR was lodged.

3. I have heard learned counsel Shri. Rupesh Zade for the applicant and Shri. Prashant Jadhav, learned APP for the State.

4. Learned counsel for the applicant submitted that it is purely a civil transaction which could not be termed even as civil 'dispute'. The sale deed is executed by Deepak Sakhare in favour of the present applicant. The sale deed was executed on 14/05/2015. The first informant is not even witness to that sale deed. Since 2015, the first informant had not raised any dispute about the sale deed. He further submitted that the land in question is in possession of the applicant and the first informant himself has created obstacles in the peaceful possession, for which, the applicant has already filed civil suit in the court of Civil Judge, S.D., Baramati for permanent injunction restraining the first informant from creating obstruction in the enjoyment of the applicant of the said land.

5. Considering all these aspects, it is clear that the first informant has no concern with the sale deed executed in favour of the present applicant by Deepak Sakhare. According to the applicant, the land is in his possession. As a counter blast to the

civil suit, the first informant has filed this false FIR against the applicant. Considering all these aspects, no case for denial of anticipatory bail in favour of the prosecution is made out. The custodial interrogation of the applicant is not necessary.

6. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No.193 of 2019 registered with Walchand Nagar Police Station, Pune, 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.)