

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1625 OF 2019

Rajendra Ranjit Jagdale	]	... Applicant
Versus		
1. The State of Maharashtra	]	
2. Dipak Ramdas Pacharne	]	... Respondents

Mr. A.P. Mundargi, Senior Advocate i/b Mr. Dilip Shukla, Advocate for the Applicant.

Ms. S.S. Kaushik, APP for the State/Respondent.

Mr. Govind Prajapati i/b Mr. Suhas Shetty, Advocate for Respondent No.2.

PI Narayan Sarangkar attached to Shirur Police Station present.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 24th JULY, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.532/2019 registered with Shirur Police Station, Pune Rural u/sec. 452, 323, 504, 506 r/w 34 of I.P.C. and u/sec. 39 and 45 of the Maharashtra Money Lending (Regulation) Act, 2014.

2. The FIR is lodged by one Dipak Pacharne (who is Respondent No.2 in this application). He has stated that he wanted to construct a house. He was short of funds and therefore he requested one Prabhul who was a private money lender; to give him loan. He was given Rs. 7

Lakhs by way of loan and he was asked to give three blank cheques, one blank stamp paper and 29 gunthas of his lands. Accordingly, the first informant executed a sale deed in respect of his land in Gut No.248. The first informant had given three blank cheques and a signed blank stamp paper. According to the first informant, he had paid Rs.6 Lakhs by way of interest. The possession of the land was still with the first informant. The entire money including interest which was decided could not be repaid. Prabhul told him that he had taken loan from the present applicant to give money to the first informant. He keep on demanding repayment of his dues. It is allegations in the FIR that, the original money lender Prabhul and the present applicant repeatedly approached the first informant and were demanding Rs.17 Lakhs for reconveying the land in favour of the first informant by way of resale. It is the case of the first informant that, he was repeatedly threatened. On one occasion he even tried to commit suicide. On these allegations, the FIR was lodged.

3. Today when the matter was called out, Ld. Counsel for Respondent No.2 – First Informant has tendered an affidavit affirmed by Respondent No.2. The affidavit is taken on record. Respondent

No.2 is also present in the court. He is identified by the Investigating Officer who is present in the court as well as by the Ld. Counsel appearing for him.

4. On specific query of the court, Respondent No.2 answered that he had entered into settlement and there was no pressure on him. The affidavit mentions that, the land is reconveyed in the name of first informant's brother. He confirms the registration of the reconveyance document. A copy of the said document showing registration is annexed at page no.22 of the memo of the application.

5. Ld. APP on instructions of the Investigating Officer submitted that, the affidavit is the result of political pressure exerted on the first informant. Therefore, if the anticipatory bail is to be granted to the applicant, very stringent conditions may be imposed on him.

6. Since the land is already reconveyed in the name of the first informant's brother and since the first informant has settled the matter with the applicant which is evident from his affidavit, at this stage, protection of anticipatory bail can be granted to the applicant. However, considering the backdrop of the case, stringent conditions

will have to be reimposed on him. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R.No.532/2019 registered with Shirur Police Station, Pune Rural, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. The applicant shall report to the concerned police station on every Sunday between 3.00 p.m. to 4.00 pm., for a period of one year from today.
3. The applicant shall not indulge in any similar offence.
4. The applicant shall not attempt to contact Respondent No.2 or his family members.
5. Violation of any of these conditions would be entail cancellation of this order of grant of anticipatory bail and the State of Maharashtra is at liberty to move a proper application in that behalf in such eventuality.
6. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)