

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

ANTICIPATORY BAIL APPLICATION NO. 1741 OF 2019

Prafulla @ Prabhul Shantilal Lunkad and Anr. ...Applicants

Vs.

State of Maharashtra

...Respondent

- Mr. A.P. Mundargi, Sr. Advocate with Mr. Prabhakar M. Jadhav, Advocate for the Applicants.
- Mr. S.H.Yadav, APP for the State
- Mr. Amol B. Shinde, PSI, Shirur Police Station, Pune Rural.

CORAM : SARANG V. KOTWAL, J.

DATE : 8th AUGUST, 2019

P.C. :

1. The applicants are seeking anticipatory bail in connection with CR No. 532/19 registered at Shirur Police Station under Sections 452, 323, 504, 506 read with 34 of the IPC and under Sections 39 and 45 of the Maharashtra Money Lending (Regulation) Act, 2014.

2. The FIR s lodged by one Dipak Pacharne. He has stated in his FIR that he wanted to construct a house. He was short of funds and, therefore, he requested the present applicant, who was a private money lender; to give him a loan. He was given Rupees

Seven Lakhs by way of loan and he was asked to give three blank cheques, one blank stamp paper and 20 guntha of land. Accordingly, the first informant executed sale deed in respect of his land in Gat no. 248. The first informant had given three blank cheques and a blank stamp paper. According to the first informant, he paid Rupees Six 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. It is alleged that the present applicant told him that he had taken loan from one Rajendra Jagdale and thereafter that amount was advanced as loan to the first informant. The applicant kept on demanding repayment of his dues. It is alleged that the present applicant and Rajendra Jagdale repeatedly approached the first informant and were demanding Rupees Seventeen Lakhs for reconveying the land in favour of the first informant by way of resale. He was repeatedly threatened. On one occasion he even tried to commit suicide. On these allegations, the FIR is lodged.

3. Heard, Mr. Mundargi, learned senior counsel for the applicant and Mr, Yadav, learned APP for the State.

4. Mr. Mundargi submitted that aforementioned Rajendra Jagdale, who had also threatened the first informant is granted anticipatory bail by this court mainly on the ground that there was settlement between Rajendra Jagdale and the first informant. This is recorded in the order dated 24th July 2019 passed in ABA 1625/19. There is a reference to the fact that the land was reconveyed in the name of the first informant's brother. Today, the learned senior counsel produced before me a photocopy of the registered deed substantiating this claim. Said copy is taken on record and marked 'X' for identification.

5. Learned APP did not dispute this fact that the land was already reconveyed in the name of the brother of the first informant.

6. I have considered all these submissions. The first informant had settled the matter with the co-accused Rajendra Jagdale, which is evident from the order dated 24th July 2019 passed in ABA No. 1625/19. It is recorded in that order that the respondent no. 2 had agreed that he had entered into the settlement with Rajendra Jagdale and there was no pressure on him. Considering

these aspects, since the matter is already settled with Rajendra Jagdale and since the land is already reconveyed in the name of the first informant, the present applicant can also be granted same protection with similar conditions, which are mentioned in the order passed in ABA No. 1625/19. Hence, the following order.

ORDER

1. In the event of their arrest in connection with C.R.No.532/2019 registered with Shirur Police Station, Pune Rural, the Applicants are directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.
2. The applicants 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 applicants shall not indulge in any similar offence.
4. The applicants 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.)