

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1840 OF 2019

Vaibhav Mohan Kamble] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Ms. Nagma Tandon, Advocate for the Applicant.

Mr. S.H. Yadav, APP for the State/Respondent.

Mr. Ramdas Jadhav, Police Naik attached to Baramati City Police Station, Pune Rural present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 22nd AUGUST, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.557/2019 registered with Baramati City Police Station, Pune Rural u/sec. 384, 365, 354, 323, 504, 506, 507 r/w 34 of I.P.C. and u/sec. 39, 45 of The Maharashtra Money Lending (Regulation) Act, 2014.

2. The applicant is a practicing lawyer in the Court of Baramati. The FIR is lodged by one Arvind Sawant on 07/08/2019. He has stated that, he was having a workshop and he was in the business of

making tractor trolleys. The informant was in bad financial condition and was desperately in need of money. The informant's son Deepak got acquainted with the applicant and used to tell him about their financial status and their need of money. The applicant told him that he knew Amar Bhosle, Yuvraj Bhosle, Abhijeet Bhosle and Vasant Bhosle who were advancing money on interest. Since the informant and his son were desperately in need of money for their business, they told the applicant to hold talks with these persons. On 15/11/2018, the applicant took informant's son Deepak to the house of Abhijeet. Thereafter, there was discussion about the loan. These persons offered to give loan of Rs.4,75,000/- with expectation of interest @ 20% per month. The informant's son accepted the offer. He accepted the money. The money was to be returned within one and half months. On 01/01/2019, these persons and the present applicant came to the informant's house and started demanding repayment of loan. Since the informant did not have the money, he asked for some time. It is alleged that, Abhijeet assaulted the informant's son Deepak. They forcibly took him in their vehicle. The informant was forced to sit in his own Swift Car. It is alleged that, the applicant forced the informant to purchase a stamp paper of Rs.100/-. He was made to

execute the document transferring the car in the name of Amar Bhosle and the document was notarised. After that, the informant was threatened by the money lender. On 17/07/2019, Yuvraj, Vasant and others along with the applicant demanded money. That time, the first informant gave a bearer cheque of Rs.1 Lakh which was encashed by them. On 20/07/2019, Yuvraj, Amar, Vasant and the applicant came to the informant's house and started assaulting Deepak, informant's wife and Deepak's wife. The informant gave one more cheque of Rs.1 Lakh. On 28/07/2019, again Yuvraj, Amar, Abhijeet, Satish and Vasant came to his workshop and threatened him. On 02/08/2019, Amar and Yuvraj called Deepak and told him that he would sell the car if the money was not paid. Therefore, the informant lodged this FIR.

3. Heard Ms. Nagma Tandon, Ld. Counsel for the Applicant and Mr. S.H. Yadav, Ld. APP for the State/Respondent.

4. Ld. Counsel for the applicant submitted that, the applicant was a practicing lawyer and he had only introduced the informant and his son to the main accused. He submitted that, it was the informant who had accepted the money because he was in dire need of money. He

submitted that, the document was executed before the notary. He submitted that, the applicant himself had not taken any part in the assault.

5. Ld. APP opposed these submissions. He submitted that, without applicant's act, the informant would not have been introduced to the main accused. On a few occasions the applicant had accompanied the main accused when the talks had taken place between the accused and the informant. He therefore submitted that, the applicant's custodial interrogation is necessary.

6. I have considered these submissions. The main allegations are made against the money lenders who had actually threatened and pressurised the informant and his family. The allegations against the present applicant is in respect of execution of a document. However, since it is an admitted position that, the informant had obtained loan to the tune of Rs.4,75,000/-, it was not unusual for execution of such document by way of security. The allegations regarding the fact that, the informant was forced to execute that document will have to be tested during trial. For that purpose custodial interrogation of the applicant is not necessary. The main allegations are against the other

accused. The applicant is a lawyer practicing in the Court at Baramati, therefore, he is not likely to be abscond. The informant himself had approached the applicant and had suggested that, he be introduced to the other accused because he was in dire need of money. Considering all these aspects, custodial interrogation of the applicant is not necessary. He will have to co-operate with the investigation by attending the police station as and when required. In this view of the matter, the application is allowed. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R.No.557/2019 registered with Baramati City 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 attend the concerned police station as and when called and shall co-operate with the investigation.
3. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)