

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**Criminal Application (ABA) No. 252 of 2019**

**Bandu Tupsande**  
**Vs.**  
**State Through P.S. Washim Rural**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

Mr. Tejas Deshpande, Advocate for applicant.  
Mr. M.J. Khan, APP for non-applicant.

**CORAM : MANISH PITALE, J.**

**DATED : JUNE 26, 2019**

The applicant herein is seeking anticipatory bail by this application in respect of offences registered against him under Sections 364, 384, 394, 506 of the Indian Penal Code as per FIR dated 14/03/2019. As per the complainant, the incident is alleged to have taken place on 07/11/2018, when the applicant who is allegedly money lender had abducted the complainant along with other unknown co-accused persons, resulting in commission of aforesaid offences.

2. It is pointed out by the learned counsel for the applicant that FIR is belated because even as per the complainant the incident took place on 07/11/2018, while the FIR was registered after more than four months on 14/03/2019. According to the applicant, it is a case of false implication in the

backdrop of a dispute which the applicant is having with the complainant and his other associates. It is also pointed out that the allegation of the applicant being a money lender is refuted by order dated 29/06/2018, passed by the competent authority wherein it is categorically held that the applicant cannot be said to be indulging in illegal money lending under the provisions of the Maharashtra Prevention of the Money Lending Act. It is pointed out that the said order has not been challenged till date. In this backdrop, it is submitted that the application deserves to be granted.

3. On the other hand, the learned APP has strongly opposed the relief sought in the present application on the ground that there are criminal antecedents of the applicant, indicating that he is a money lender involving in the illegal business of money lending and undertaking actions of abducting and threatening for recovery of such amounts. It is pointed out that as per the written report submitted by the complainant, leading to registration of FIR, it is clearly stated that the complainant was threatened by the applicant due to which there was delay in registration of FIR.

4. Heard the learned Advocates for rival parties and perused the material placed on record. A perusal of the FIR shows that there is delay of more

than four months on the part of the complainant in approaching the police after the alleged incident took place on 07/11/2018. The nature of the allegations made against the applicant do show that if the complainant was really aggrieved he would have immediately, or at least within reasonable time, approached the police. As regards the applicant being involved in the business of money lending, there is an order of competent authority placed on record showing that he was not found guilty of any such activities.

5. Apart from this, the criminal antecedents on which much emphasis is placed by the non-applicant shows that there have been at least four prosecutions against the applicant. In the reply itself, it is stated on behalf of non-applicant that in two of such prosecutions the applicant has been held not guilty. As regards the remaining prosecutions, it is pointed out by the learned counsel for the applicant that one of them is at the behest of an associate of the complainant and the same pertains to alleged money lending. It is pointed out that as regards the remaining prosecution, it was when the applicant was released on bail in that case that immediately on the next day FIR in the present case was registered by the complainant. All this material, prima facie, at this stage, does indicate that there is a long standing dispute between the parties, leading to initiation of criminal proceedings at the behest of the complainant and his associates. In view of

the above, the present application deserves to be allowed. Accordingly, the applicant is granted anticipatory bail on the same conditions on which he was granted ad-interim protection by this Court by order dated 25/04/2019. The applicant shall continue to attend said Police Station as per directions of this Court till filing of chargesheet.

JUDGE

*MP Deshpande*