

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1832 OF 2021**

Samina Bhaktiyar Durugkar	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

...

Mr. Viresh V. Purwant for the applicant.
Mr.S.S. Pednekar, APP for the State.

**CORAM: BHARATI DANGRE, J.
DATED : 17th AUGUST, 2021**

P.C:-

1 The applicant is apprehending her arrest with C.R.No. 400 of 2021, thereby invoking Section 452, 427, 323, 504, 506 read with Section 34 of the IPC and Section 39 and 41 of the Maharashtra Money Lending (Regulation) Act, 2014.

2 The complainant alleged that the applicant along with other two accused persons is engaged in private money lending and some money was borrowed by her for her brother's wife Arifa. An amount of Rs.30,000/- was borrowed with interest levied at the rate of 10% and documents were kept as Security. According to the complainant, some amount was returned along with interest, but since the lock down was imposed, there was loss

of business, therefore, she was unable to pay the remaining amount.

3 The incident narrated is dated 23rd June 2021 when it is alleged that the accused persons barged into the house and demanded that the amount should be paid immediately. On expressing the financial constraints, they hurled abuses and it is also alleged that they assaulted her with fists and blows. It is also alleged that a ruckus was created and Television set and the Set-up box was pulled down causing a loss of Rs.4,000/-. This resulted in registration of FIR invoking aforesaid provisions of the IPC as well as Money Lending Act.

4 Learned counsel Mr.Purwant at the outset, submits that the version in the complaint about the loss caused on account of unruly behaviour that is alleged to have taken place when they visited the house of the complainant, is an exaggerated version. He, however, accepts that there was some amount which was advanced, but it was not by way of loan but it was in form of a *bhisi* which was run in the locality, and the persons who were interested were given the amount with the interest that was levied. He, however, states that as far as the loss alleged to be is Rs.4,000/-, he is ready to pay the same to the complainant in the presence of the Investigating Officer, which he shall transmit forthwith.

5 Looking to the nature of allegations, no custodial interrogation is warranted. The applicant is entitled for protection subject to the following stipulation :-

ORDER

- (a) In the event of his arrest, the Applicant – Samina Bhaktiyar Durugkar in connection with C.R.No.400 of 2021 registered with M.I.D.C Police Station, Solapur, shall be released on bail on furnishing P.R. bond to the extent of Rs.20,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade her from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The applicant shall pay an amount of Rs.4,000/- to the complainant before 18th August 2021.
- (d) The Applicant shall make herself available as and when required by the Investigating Officer.

SMT. BHARATI DANGRE, J