

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1877 OF 2021

Dashrath Arjun Jadhav	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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Mr. Jayshree Tripathi for the applicant.
Mrs. Rutuja Ambekar, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 12th AUGUST, 2021

P.C:-

1 FIR No.905 of 2020 is registered by Faujdar Chawadi police station, Solapur at the instance of one Santosh Narsing Shriram, who alleged that since he was desirous of establishing an Ice factory, he obtained a piece of land from the Government on lease of 95 years. He, however, changed his mind in the year 2016 and accordingly, communicated the said fact to MIDC and purchased machinery by inviting quotation. He obtained a loan of Rs.24,90,000/- from the Corporation Bank, out of which loan to the tune of Rs.22,30,000/- was disbursed. The production of the plant could not start and the EMI of the said Bank became due. On expiry of period of three years, since

the first instalment remained unpaid, the Bank imposed interest on the said amount and in order to repay the amount due, he obtained money from various money lenders at the agreed rate of interest. The applicant is named as one of them who has advanced a loan of Rs.5,50,000/- in the month of March 2019, out of which the allegation in the FIR is Rs.1,98,000/- was paid and by calculating the interest, Rs.9,13,000/- remain unpaid.

2 The complainant alleged that since the amount was due to the money lenders, they abused and threatened him. There are omnibus allegations without any particular act attributed to the present applicant who has advanced some money and which was accepted by the complainant with the rate of interest which was agreed. The allegation is the accused persons used to threaten him, made him sign certain documents, blank cheques, notarize certain documents and harass him with dire consequences. In the wake of the said allegations, the application of the applicant is rejected by the Sessions Judge, Solapur on the ground that the investigation of the offence is not completed and there is a possibility that the applicant may flee the course of justice, if released on bail.

3 Two co-accused are released on bail in anticipation of their arrest being co-accused Amol Suresh Gaikwad and Shrishail Datta Gaikwad.

4 Prima facie reading of the complaint would reveal that the complainant was desirous of investing into a start up business, but somehow he did not succeed and he kept on borrowing money from different sources. The complainant do not dispute that he borrowed money from the applicant and some money remain unpaid. The nature of omnibus allegations do not warrant for any custodial interrogation and since the co-accused are already admitted to protection, applicant is also entitled for a similar relief. Hence, the following order :-

ORDER

- (a) In the event of his arrest, the Applicant – Dashrath Jadhav in connection with FIR No.905 of 2020 registered with Faujdar Chawadi Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- 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 him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

- (c) The Applicant shall co-operate with the Investigating Officer by reporting to the concerned police station on every Thursday between 10 am to 2.00 p.m for a period of four weeks and thereafter, as and when called by the Investigating Officer.

The Application is allowed in the aforestated terms.

SMT. BHARATI DANGRE, J