

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1284 OF 2019

Ashish Haribhau Bansode ... Applicant
V/s.
The State of Maharashtra ... Respondent

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1573 OF 2019

Ankush Namdev Shingade ... Applicant
V/s.
The State of Maharashtra ... Respondent

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1653 OF 2019

Vinod Sukhdev Pawar ... Applicant
V/s.
The State of Maharashtra ... Respondent

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1808 OF 2019

1. Akash Shamrav Jadhav &
2. Bakasha Shamrav Jadhav ... Applicants
V/s.
The State of Maharashtra ... Respondent

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1907 OF 2019

Sangram @ Baban Suresh Godse ... Applicant
V/s.
The State of Maharashtra ... Respondent

**WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1937 OF 2019**

Arun Shantaram Kanase	... Applicant
V/s.	
The State of Maharashtra	... Respondent

**WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1981 OF 2019**

Sachin Bapurao Shinde	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr.Vaibhav Gaikwad for Applicant in ABA/1808/2019 and ABA/1981/2019.
Mr.D.D. Rananaware for Applicant in ABA/1284/2019, ABA/1573/2019,
ABA/1653/2019, ABA/1907/2019 and ABA/1937/2019.
Mr.Y.M. Nakhwa, A.P.P for Respondent-State.

CORAM : A.S. GADKARI, J.
DATE : 18th August 2021.

PC. :

1. These are applications for pre-arrest bail under Section 438 of the Criminal Procedure Code in connection with C.R. No. 96 of 2019 dated 13th April 2019 registered with Vaduj Police Station, Vaduj, District Satara, under Section 323, 504, 506 read with 34 of Indian Penal Code and Section 39 & 45 of Maharashtra Money Lending (Regulation) Act, 2014.

2. Heard Mr.Rananaware, learned counsel for Applicant in ABA/1284/2019, ABA/1573/2019, ABA/1653/2019, ABA/1907/2019 and

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ABA/1937/2019, Mr.Gaikwad, learned counsel for Applicant in ABA/1808/2019 and ABA/1981/2019; and Mr.Nakhwa, learned A.PP for Respondent-State in all matters. Perused record.

3. By Orders (i) dated 19th June 2019 in ABA/1284/2019, (ii) dated 18th July 2019 in ABA/1573/2019, (iii) dated 26th July 2019 in ABA/1653/2019, (iv) dated 20th August 2019 in ABA/1808/2019, (v) dated 30th August 2019 in ABA/1907/2019, (vi) dated 3rd September 2019 in ABA/1937/2019 and (vii) dated 9th September 2019 in ABA/1981/2019 respectively, the Applicants were granted interim relief.

4. The record indicates that, the First Information Report is lodged by Mr.Vaibhav Jagannath Pawar. It is the prosecution case that, the informant was in the business of trading of clothes and was running a shop under the name of Vishal Garments, situated in Shetkari Chauk, Vaduj. In the year 2016-17 the informant suffered losses in his business and therefore for making payments of the traders, he started taking money on interest from the people of his town. He took various amounts from 12 persons who have been named as accused in the present crime. The informant accepted amounts as more specifically mentioned in the F.I.R. from these 12 persons. It is the case of the informant that, he paid 10% interest per month on the amounts accepted by him to the accused persons. Despite repayment of the entire loan amount along with interest, the accused persons pressurized him to pay further

principal amount and interest. The accused persons also threatened him on various occasions in filthy language. It is the further case of prosecution that, accused persons, namely, Ganesh Godse, Akash Jadhav, Bakasha Jadhav, Arun Kanase, Ankush Tupe and Sachin Shinde used to threatened him for repayment of loan on mobile phone. It is also alleged that, the accused persons visited shop of the informant so also his residence and threatened him to make further payment of principal amount along with interest and assaulted him. In this brief premise, the present crime is registered.

5. The record indicates that, there are in all 12 accused in the present crime, out of which 3 accused, namely, Ganesh Godse, Ankush Tupe and Rambhau @ Ramdas Kale were arrested by the Police and now have been released on regular bail. After completion of investigation the Investigating Officer has submitted final report under Section 173 of the Criminal Procedure Code in the Court of competent jurisdiction on 7th June 2019 and the same has been numbered as R.C.C. N o. 138 of 2019.

6. Perusal of F.I.R. and other statements of witnesses indicates that, the informant has not given cheque numbers of the alleged cheques allegedly accepted by the accused persons from him towards security. Vague and general statements with respect to the alleged documents i.e. stamp papers, blank cheque etc. which were allegedly given as security, have been made by the informant in his F.I.R.. The first informant in his report has stated that,

despite repayment of the entire loan amount along with interest, the accused used to visit his shop and residence and threatened him in the presence of other witnesses i.e. his mother namely, Smt.Anita Jagannath Pawar and his father Jagannath Ganpati Pawar. In their statements dated 4th June 2019, the said two witnesses have not supported the version of informant. These two material witnesses have categorically stated that, the accused persons neither came to their house, nor threatened them or abused them in filthy language. It prima-facie appears that, the said version of the First Informant has been denied by his close relatives, i.e. his mother and his father. It is an admitted fact on record that, the informant was heavily indebted in his business and therefore he had taken hand-loans from various persons from his town including the present Applicants. It appears that, when the lenders demanded their money back, the informant has filed the present crime. Even otherwise also, the investigation of the present crime is concluded and the police have submitted Chargesheet.

7. After taking into consideration the nature of offence and the allegations made against the Applicants, this Court is of the view that, the custodial interrogation of the Applicants for further investigation in the present crime is not necessary and they can be protected by pre-arrest bail.

8. Interim relief, granted by Orders (i) dated 19th June 2019 in ABA/1284/2019, (ii) dated 18th July 2019 in ABA/1573/2019, (iii) dated 26th July

2019 in ABA/1653/2019, (iv) dated 20th August 2019 in ABA/1808/2019, (v) dated 30th August 2019 in ABA/1907/2019, (vi) dated 3rd September 2019 in ABA/1937/2019 and (vii) dated 9th September 2019 in ABA/1981/2019 respectively in favour of the Applicants is hereby confirmed. However, the condition to attend the Investigation Officer is waived.

9. All the Applications are allowed in the aforesaid terms.

[A.S. GADKARI, J.]