

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.320 OF 2021

Suryakant Abhimanyu Bhosale ... Applicant
V/s
State of Maharashtra ... Respondent

Mr.Naren Kavi i/by Mr.Jaydeep D. Mane, Advocates for the Applicant.
Ms.J.S.Lohokare, APP for the State/ Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : MARCH 24, 2021.**

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.16 of 2021 registered with Solapur Police Station on 5th January, 2021 under sections 39 and 41(C) of Maharashtra Money Lending (Regulation) Act, 2014.

2. Heard Mr.Naren Kavi, learned counsel for the Applicant and Ms.J.S.Lohokare, learned APP for the State.

3. The FIR is lodged on 5th January, 2021 by one Netaji Shinde. He was working with the Sub-Registrar's office at North Solapur as Head Clerk. A complaint was received with his office from one Shamshad @ Sameer Ahmed Kazi. There are allegations that the present applicant was indulging in money lending activities without license. The first informant with assistance of police officers searched house of the present applicant. During the house search a registered sale deed bearing registration No.6545

of 2016 dated 3rd November, 2016 in respect of land bearing Gat No.56/1, ad-measuring Hectar 3-16.05 R was found. The complainant Kazi had submitted one more document which was a notarized document. It was of the same date executed on a stamp paper by both the parties. It was a sale deed in the nature of re-purchase of the same land. Therefore, the allegations are that it was not a normal sale-purchase agreement, but the real transaction was money lending transaction.

4. Learned counsel for the applicant submitted that the transaction was in the year 2016 and the FIR was filed in January, 2021. There is gross delay in filing of the FIR and it was filed with oblique motive. The applicant himself had made his complaint on 1st October, 2020. He further submitted that the document in question i.e. the notarized sale deed was produced by the complainant Shamshad @ Sameer Ahmed Kazi.

5. Learned A.P.P. opposed this application. She submitted that it was a money lending transaction. It was regarding the applicant giving loan on interest to the present complainant. He did not have any license. Therefore, the offence under section 39 of the said Act is complete.

6. I have considered these submissions. The registered sale deed is about the complainant-Shamshad selling his piece of land to the present applicant. The applicant had paid Rs.73,18,000/-.

The loan given by a bank on that land was cleared by the applicant. He had paid additional amount to Shamshad Kazi and thus he had purchased this land. The second document which was in the nature of redemption of mortgage, was produced by complainant-Shamshad Kazi. It was in respect of the same land and copy thereof shows that after the complainant had paid the amount taken by him with interest within the stipulated period, the applicant had to re-transfer this land in favour of the complainant. According to the informant, this shows that it was a money lending transaction.

7. There are no further allegations that the applicant was troubling the complainant-Shamshad for interest etc. The effect of execution of that notarized document is a civil matter, which can be decided by the Civil Court. The allegations that it was a money lending transaction, is not borne out by material collected during investigation. The registered document is clear enough. There is nothing on record and nothing was found from the applicant's house to show that he had entered into such transactions with any other person. This was an isolated transaction. It will not amount to business of money lending on his part.

8. In this view of the matter, the applicant's custodial interrogation is not necessary. He can be protected by the order of anticipatory bail.

9. Hence, the following order:-

ORDER

- (i) In the event of his arrest in connection with C.R. No.16 of 2021 registered with Solapur Police Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)