IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 648 OF 2021

Ramesh Narayan Kadam … Applicant

Versus

The State of Maharashtra … Respondent

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Mr. Sachin K. Hande, Advocate for the Applicant.
Mr. S.H. Yadav, APP for the Respondent – State.
Mr. Laxmikant J. Sonawane (Police Nik), Dombivali Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 28th SEPTEMBER, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No. 308 of 2020 registered with Dombivali Police Station for offence under Sections 420, 406 of Indian Penal Code and under Section 39 of Maharashtra Money Lending (Regulation) Act, 2014.

2. The case of complainant is that there was money transaction. The applicant was involved in money lending by charging interest. In 2016 the complainant's husband had taken Rs.1 lakh and the same was given to the applicant. To return the amount to the person from whom Rs.1 lakh was borrowed, the complainant had obtained loan from KDC Bank and they have been

paying interest. In 2019 the complainant was in need of Rs.23 lakh for purchasing room, they contacted the applicant for lending money on interest. The applicant had allegedly charges Rs.2.50 lakh towards interest in advance for lending the amount to the complainant.

3. The contention of applicant is that he has been falsely implicated. Custodial interrogation of the applicant is not necessary.

4. Learned APP, submitted that the statements of witnesses were recorded. It shows involvement of the applicant. The amount was paid in cash. The dubious transactions are executed in cash. The statement of Dipesh has been recorded which falsifies the claim of complainant. Learned APP further submitted that the amount of Rs.2.50 lakh was obtained by the applicant by way of assurance for lending loan of Rs.23 Lakhs. The said amount is required to be recovered. The complainant had executed certain writings on stamp paper at the instance of the applicant and those documents are required to be recovered.

5. The FIR mentions that in the past the complainant had obtained loan from the applicant. The current transaction was for advancing loan of Rs.23 Lakhs for which allegedly Rs.2.50 lakh was

taken by way of security to show assurance before lending loan. There is no proof of payment of Rs.2.50 lakh which was purportedly cash transaction.

6. The applicant was granted interim protection by order dated 11th March, 2021 with direction to appear before the Investigating Officer. The said direction is complied.

7. The facts of this case does not warrant custodial interrogation. Interim order passed by this Court can be confirmed.

ORDER

(i) Anticipatory Bail Application No. 648 of 2021 is allowed;

(ii) Interim order dated 11th March, 2021 is confirmed.

(iii) In the event of arrest of the applicant in connection with C.R. No. 308 of 2020 registered with Dombivali Police Station, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iv) The applicant shall appear before the investigating officer as and when called for till filing of charge-sheet.

(v) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)