

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

ANTICIPATORY BAIL APPLICATION NO. 1138 OF 2020

Tanaji Daji Habbu

.... Applicant

Versus

The State of Maharashtra & Ors.

.... Respondents

Mr. Prasanna A. Bhangale, for the applicant.

Mr. Ajay Patil, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 12th FEBRUARY 2021**

P.C. :

1. The Applicant is seeking Anticipatory Bail in connection with C.R. No.835/2020, registered with Saswad Police Station, Pune (Rural) on 12 November 2020 under Section 395, 385, 323, 504, 506 read with 34 of the Indian Penal Code and under Section 39, 44 and 45 of the Maharashtra Money Lending (Regulation) Act, 2014.

2. The FIR is lodged by one Bhawaniprasad Tiwari on 12 November 2020. He has stated in his F.I.R. that he

was in the business of Petrol Pump, Tours and Travels, real estate, etc. He was introduced to accused Raviraj Jadhav and Nagesh Parmale by one Kalbhor in 2018. The informant wanted to purchase a milk dairy owned by M/s.Somnath Pvt. Ltd. The consideration was fixed at Rs.12Crores. The receipt for the earnest amount was executed at that time. The informant was in the need of Rs.25 Lakh urgently, and therefore, the above accused suggested to him that they could introduce him to certain people who could give him loan. Accordingly, they introduced him to the applicant, who gave him Rs.3 Lakh @ 10% interest per month. Accused Jadhav took Rs.1 Lakh as commission and took a cheque of Rs.3 Lakh by way of security. Thereafter, they introduced him to Swapnil Jagtap, who gave Rs.12 Lakhs with interest @ 12% p.m. as a loan to the informant. Accused Nagesh and Pappu told the informant that they had to pay Rs.3 Lakh to one Sagar Mokashi. They suggested that the informant should take Rs.3 Lakhs from Sagar and should give that money to Nagesh and Pappu. He could then return

Sagar's money. Therefore, the informant took loan from Sgar to the tune of Rs.3 Lakhs with interest @ 15% per month. That money was given by the informant to Nagesh. There are allegations that the applicant and all others who had advanced loan to the informant used to make phone calls demanding back their money and installments. The informant had taken loan from one Jaiwant Jagtap to the tune of Rs.3 Lakh. The allegation in the F.I.R. pertains to pressurizing tactics attributed to other accused. The informant was forced to sell his vehicle and land. On this basis, the F.I.R. is lodged.

3. Heard Mr. Prasanna Bhangale, learned counsel for the applicant and Mr. Ajay Patil, learned APP for the State.

4. Learned Counsel for the Applicant submitted that there is hardly any allegations against the Applicant warranting his custodial interrogation. He relied on the order passed in Anticipatory Bail Application No.219/2021 wherein vide order dated 25 January 2021, a co-accused

Jaiwant Jagtap is granted Anticipatory Bail. He submitted that the Applicant's case is on the similar footing with that of Jaiwant Jagtap and Sagar Mokashi. Sagar was also granted Anticipatory Bail vide order dated 3/2/2021 by this Court in Cr. ABA No. 982 of 2020.

5. Learned APP relied on the statement made in the F.I.R. In addition, she submitted that the Applicant had four serious antecedents to his discredit.

6. I have considered these submissions and the informant's case reflected in the F.I.R. The only allegation against the present Applicant is that he gave Rs.3 Lakh by way of loan and charged interest @ 10% per month and that he made phone calls demanding his money. To that extent his role stands on the same footing with that of Jaiwant Jagtap and Sagar Mokashi, who are protected by order of Anticipatory Bail. Therefore, on the principles of parity also the Applicant deserves the same protection. There are no allegations that the applicant had joined other accused in extorting money and pressurising the

informant to sell his vehicle or land. In this view of the matter, I am inclined to grant Anticipatory Bail to the Applicant. However, considering the antecedents against Applicant, he will have to report to the concerned Police Station.

7. Hence the following order:-

ORDER

- (i) In the event of his arrest in connection with C.R.No.835/2020, registered with Saswad Police Station, Pune (Rural), the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs. 25,000/- (Rupees Twenty Five 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 co-operate with the investigation.

- (iii) In addition, the Applicant shall attend the concerned Police Station, every fortnight for a period of one year from today.
- (iv) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)