IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2132 OF 2021

Sidharam Mallappa Patil .... Applicant
Versus
The State of Maharashtra .... Respondent

Mr. Ujwal R. Agandsurve for Applicant.
Smt. Veera Shinde, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 20th SEPTEMBER, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 282 of 2021 registered at Mandrup Police Station, Solapur, on 27/07/2021 under sections 39 & 45 of the Maharashtra Money Lending (Regulation) Act, 2014 and under section 506 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Ujwal Agandsurve, learned counsel for the applicant and Smt. Veera Shinde, learned APP for the State.

3. The First Information Report (for short 'F.I.R.) is lodged by one Pundlik Mane on 27/07/2021. He has stated that,

he has a shop known as Sonali Cloth Center at Mandrup. According to him, he had taken Rs.2 lakhs from the present applicant on 15/09/2019 by way of loan to be repaid with interest at the rate of 3% p.m. As a security he had given five blank cheques bearing numbers 65759 to 65763 of Siddheshwar Bank, Mandrup branch. He had given a bond paper of Rs.100/- in his name. It was decided that, after the loan was repaid with interest the bond paper and cheques were to be returned to the first informant. According to the first informant, he had paid Rs.3,60,000/- till April 2021. In spite of that, on 02/05/2021 the applicant came to his shop and demanded Rs.2 lakhs more claiming that it was part of the interest and balance of the principal amount. The applicant allegedly told the informant that unless that amount was paid the cheques and bond paper would not be returned. He would file case against the informant for dishonour of those cheques. It is alleged that the applicant was constantly harassing by demanding money. He used to threaten constantly and was refusing to return the blank cheques and bond paper. On these allegations the F.I.R. was lodged.

4. Learned counsel for the applicant invited my attention to the complaint given by the applicant to the Police Superintendent, Solapur Rural on 17/06/2021. In that complaint he had mentioned that the applicant was working in the agricultural field of one Chandrakant Sugare. The informant Pundlik Mane was in need of money. He requested the applicant to get loan from Chandraknt Sugare. Therefore, through the applicant's mediation Chandrakant Sugare gave Rs.8 lakhs by way of loan to the informant through cheques and cash. The loan was not repaid, instead, the informant started harassing the applicant. Chandrakant Sugare initiated cases against the informant in that behalf. Learned counsel for the applicant submitted that the present F.I.R. is lodged against the applicant as a counter blast to that complaint. The correct facts are that the loan was given by Chandrakant Sugare. The applicant was a mediator in that transaction. The applicant himself had not given any money and had not harassed the informant. The dispute was between the informant and Chandrakant Sugare, but to pressurize Chandrakant Sugare and the applicant, this F.I.R. is lodged.

5. Learned APP produced investigation papers regarding the investigation carried out so far.

6. I have perused those papers. There are statements of Manoj Mane who was son of the informant, Siddhaling Mhetre and Ganesh Mandrupkar who were friends of the informant and applicant. These three witnesses have supported the informant's case. However, Siddhaling Mhetre and Ganesh have given statement based only on the information given by the informant Pundlik Mane, though, they did not have any personal information. The other witness Manoj Mane was informant's son. He has simply reiterated the version of the first informant.

7. Significantly, the investigation papers include a letter dated 02/09/2021 issued by Solapur Siddheshwar Co-Operative Bank Ltd. It is mentioned therein that the bank account of the informant Pundlik Mane was closed on 15/12/2016 itself. The cheques in question bearing same numbers as mentioned in the F.I.R. were given to the informant in respect of some other loan of Rs.1,50,000/- and those cheques were still unpaid. The letter further mentions that, there was no outstanding repayment of loan

against the informant's name in their bank.

8. I have considered these submissions. The letter issued by the bank itself shows that the account was closed long back in the year 2016 itself, whereas, the transaction mentioned in the F.I.R. is from the year 2019. This falsifies initial part of the informant's allegation. The complaint given by the present applicant is prior to the F.I.R. lodged by the first informant, therefore, there is substance in the argument of Shri. Agandsurve that the F.I.R. is lodged as a counter blast. Moreover, there are cases filed by aforementioned Chandrakant Sugare against the informant regarding some loan transactions. All these factors considered together indicate that the informant's story may not be true. However, at this stage, it would not be proper to comment conclusively on this issue. Considering this discussion the applicant has made out a case for grant of anticipatory bail order.

9. Hence, the following order :

ORDER

(i) In the event of his arrest in connection with C.R.No. 282 of 2021 registered at Mandrup Police Station, Solapur, the applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)