

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2477 OF 2019

Rohit Deepak Bhale ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Prabhanjan Dave, for the Applicant.
Ms. Anamika Malhotra, APP for the Respondent-State.

CORAM : N. J. JAMADAR, J.
DATE : SEPTEMBER 04, 2021

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P.C.:

1. Apprehending arrest in C.R. No. 360 of 2019 registered with Juna Rajwada police station, Kolhapur for the offences punishable under section 364-A, 143, 149, 323 and 506 of Indian Penal Code, 1860 (the Penal Code) and section 39, 42 and 45 of the Maharashtra Money Lending (Regulation) Act, 2014, the applicant has preferred this application.

2. By an order dated 15th November, 2019 this Court granted interim relief after noting that the first informant had submitted before the Court of Sessions that the dispute between the parties was amicably settled and had also filed an affidavit giving no objection to grant anticipatory bail to the applicant.

3. I have heard Mr. Dave, the learned counsel for the applicant and Ms. Malhotra, the learned APP for the State. I have also perused the material on record including the allegations in the F.I.R.

4. Evidently, the allegations in the F.I.R. reveal that the first informant had obtained a hand loan of Rs.1,40,000/- from the applicant. The applicant allegedly charged exorbitant interest. When the friends of the first informant for whom the loan was obtained, committed default in payment of interest, the applicant allegedly made the first informant and his friend Prashant to board a Ertiga car and assaulted the first informant and his friend Prashant at a secluded place.

5. Before the learned Sessions Judge, the first informant filed an affidavit giving no objection for grant of pre-arrest bail. The first informant was thus directed to be impleaded as a party respondent No. 2, and, accordingly, the respondent No. 2 appeared before this Court on 31st March, 2021. In the light of the nature of accusations against the applicant, it becomes abundantly clear that the genesis of the alleged offences was in the alleged monetary transaction between the applicant and respondent No. 2. It appears that the

applicant and respondent No. 2 have settled the dispute. The allegations are of abduction and assault by means of fist and kick blows. Even otherwise, from the nature of allegations against the applicant, custodial interrogation of the applicant does not seem warranted. The applicant appears to have roots in society. In the backdrop of the nature of the allegations, the possibility of tampering with the evidence also seems remote. Hence, I am persuaded to exercise the discretion in favour of the applicant.

6. Resultantly, the application deserves to be allowed by confirming the interim order. Hence, the following order.

ORDER

- 1] The application stands allowed.
- 2] The interim order dated 15th November, 2019 stands confirmed on the same terms and conditions.
- 3] In addition, the applicant shall regularly attend the proceeding arising out of C.R. No. 360 of 2019 registered with Juna Rajwada police station, before the jurisdictional Court.
- 4] The application stands disposed of.

(N. J. JAMADAR, J.)