

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.606 OF 2022
WITH
CRIMINAL APPLICATION NO. 2202 OF 2022 in ABA/606/2022

MILIND KASHIRAM HANKARE
VERSUS
THE STATE OF MAHARASHTRA

.....
Mr. G.J. Pahilwan, Advocate for the Applicant
Mr. S.B. Narwade, APP for Respondent/State
Mr. G.R. Syed, Advocate for Assist to PP
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[CORAM : S.G. MEHARE, J.]

DATE : 6th JULY, 2022

Per Court :

1. Heard the learned counsel for the applicant and the learned APP for the Respondent-State
2. Learned counsel for the applicant would submit that the complainant has been engaged in illegal money lending. Therefore, the complainant made a complaint before the Registrar (Money Lending), Bhokar. It was alleged in the said complaint that 3 *Guntha* of the land was transferred for a loan of Rs. 1,00,000/- as a guarantee to repay the loan. It was a nominal document never intending to be acted upon. The son of the present applicant had lodged a report against the complainant/first informant on 03.08.2021 under the Atrocities

Act. The present report is lodged to counter the said report. The false allegations have been levelled against the applicant that the applicant has assaulted the complainant and snatched the golden ornament from the wife of the complainant. The applicant is the owner of the land, which was transferred against the loan on interest. Nothing is to be recovered and discovered from the applicant. Hence the applicant may be protected.

3. Learned APP has strongly opposed the application, contending that the applicant has committed a serious offence. He has outraged the modesty of a woman. There are eyewitnesses to the incident. The spot panchanama and the witnesses also supported the prosecution.

4. It appears that the complaint was made against the applicant that he does an illegal money lending business. No amount is repaid. Even then, forcefully, the possession was tried to be taken. Due to the previous enmity between the applicant and the complainant, a complaint appears to have been filed against the applicant. Nothing appears to be recovered from the applicant. Hence, the application deserves to be allowed.

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicant **Milind Kashiram Hankare** be released on bail on furnishing P.B. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety of the like amount in Crime No. 109 of 2022, registered with Bhokar Police Station, District Nanded for the offences punishable under Sections 392, 354, 447, 427 r/w 34 of the Indian Penal Code, on the condition to attend the Police Station as and when called by the Investigating Officer on written notice.

(iii) The criminal application No.2202 of 2022 for assisting the learned APP is allowed.

[S.G. MEHARE, J.]

S.P. Rane