

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**ANTICIPATORY BAIL APPLICATION NO.1222 OF 2022
WITH APPLN/3213/2022 IN ABA/1222/2022**

**SHIVSHANKAR SHANTILAL BHANDARI
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicants : Mr. S. P. Salgar h/f Mr. N. V. Gaware
APP for Respondent-State : Mr. N. T. Bhagat

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 18th OCTOBER, 2022

PER COURT :

1. Applicant is alleged to have committed offence punishable under Section 39 of the Maharashtra Money Lending (Regulation) Act, 2014 (for short 'the said Act, 2014') on the basis of complaint lodged by one Abhay Ramlal Lalvani before District Deputy Registrar, Cooperative Society, Ahmednagar for cancellation of sale deed dated 08/12/2005. Inquiry was initiated under Sections 16 and 17 of the said Act. During the course of inquiry, house and office of applicant were raided and some documents were seized. From the documents seized, authorities have concluded that without obtaining license, applicant is involved in illegal money lending business. On this allegation, FIR is lodged against him.

2. It is not in dispute that registered sale deed is entered into between Ramlal Devichand Lalvani who is father of complainant

Abhay Lalvani and the present applicant in respect of Plot No.11, out of Survey No.48B1/48B, admeasuring 41 Sq.Mtrs, situated at Ahmednagar City, on 08/12/2005. Complaint to the District Deputy Registrar, Cooperative Society, Ahmednagar in respect of said sale deed was lodged on 09/02/2021, i.e. after about 16 years.

3. Perusal of investigation papers reveal that documents are already seized from the house and office of applicant. Offence under Section 39 is punishable with imprisonment of five years. Taking into consideration the above aspects, custodial interrogation and/or detention of applicant is not necessary in the facts of present case. Therefore, I am inclined to allow the application.

4. Anticipatory bail application is, therefore, allowed in terms of interim order passed by this Court on 12/09/2022. Till filing of charge-sheet, applicant shall attend concerned police station as and when called and shall cooperate in the investigation.

(NITIN B. SURYAWANSHI, J.)