

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.801 OF 2022

Rajnesh Babanrao Musale

...Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Priyal G. Sarda for the Applicant.

Mr.N.B. Patil, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 25 MARCH 2022

P.C.

. The Applicant, apprehending arrest, in connection with the investigation of Crime No.651 of 2021 registered with Barshi City Police Station, under Section 386, 504, 506 read with Section 34 of Indian Penal Code is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint lodged by Sachin Mahadik who is Assistant Registrar of the Co-operative Societies at Barshi, District-Solapur. The informant had conducted an enquiry in the complaint lodged by Anil Murlidhar Khade about the Applicant engaging himself in illegal money lending without licence and charging interest at an exorbitant rate. The informant Sachin Mahadik conducted a search and seizure at the shop as well as residence of the

Applicant, inasmuch as, he was authorized to take such search in terms of Section 16 of the Maharashtra Money-Lending (Regulation) Act 2014. This search was conducted on 28 December 2021 in which the informant has recovered blank signed cheques, stamp papers and other material showing that the Applicant was indulging in illegal money lending. The articles recovered during the search have been extensively set out in the complaint dated 21 December 2021. On the basis of such a complaint an offence came to be registered, which is under investigation.

3. I have heard learned counsel for the parties. Perused record.

4. The learned counsel for the Applicant submitted that the necessary recovery has already been made by the informant and therefore custody of the Applicant is not necessary for the purpose of investigation. It is submitted that the Applicant was holding a money lending licence which has expired which could not be renewed. He submitted that the allegation is that the Applicant was charging interest @ 20% per week, which allegations is grossly exaggerated and cannot be accepted.

5. He submitted that the supplementary statement of the complainant was recorded on 1 January 2022 which is after a

period of one month of the incident dated 1 December 2021. He submitted that Section 386 of the IPC has been subsequently invoked by the prosecution.

6. The learned Additional Public Prosecutor has pointed out that the offence is serious, sizeable material showing that the Applicant was in the business of money lending has been recovered during the search by the informant.

7. I have considered the submissions made. It appears that the complaint lodged by Anil Khade was inquired into by an independent Government Officer namely the Assistant Registrar of the Co-operative Societies in pursuance of the powers conferred under the Act of 2014.

8. A bare perusal of the FIR shows that substantial material including blank signed cheques and blank stamp papers etc were found at the shop/residence of the Applicant. It can also be seen that the Applicant was in the business of money lending as it is stated that he was holding a license which has expired and which was not renewed.

9. At this stage apart from the offence under the money lending Act the Investigating Officer has also invoked Section 386 of the IPC. I have gone through the statement of the

original complainant Anil recorded on 1 January 2022 where in the complainant states that two persons namely one Pintu Gund and Suresh Jadhav had intercepted the complainant on 1 December 2021 and demanded Rs.50,000/- claiming that they are men send by the Applicant. It is necessary to note that the Applicant had obtained an amount of Rs.27,500/- somewhere in April/August 2021 from the Applicant and claims to have returned the principle, in addition to an amount of Rs.75,000/- towards interest. Considering the overall circumstances, I do find that in this case the custodial interrogation of the Applicant is necessary. No case for grant of anticipatory bail is made out. The Criminal Application is accordingly rejected.

10. The observations herein are only for the limited purpose of deciding the Application for pre arrest bail and the learned Sessions Judge shall not be influenced by the same at any subsequent stage of consideration of an Application for regular bail, if any.

C.V. BHADANG, J.