

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3103 OF 2022

Sanjay V. Talekar

...Applicant

V/s.

State of Maharashtra

...Respondent.

Mr. Rahul S. Kadam for the Applicant.

Ms P.P. Shinde, APP for the Respondent/ State

Mr. D.S. Sarde attached to Temburni Police Station present.

CORAM : N.R. BORKAR, J.
DATE : 11.11.2022.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for grant of anticipatory bail.
2. The applicant is apprehending his arrest in C.R. No.586 of 2022 registered at Tembhurni Police Station for the offences punishable under Sections 405, 406, 420, 434 of the Indian Penal Code, 1860 (IPC) and under Sections 39 and 45 of the Maharashtra Money Lending (Regulation) Act of 2014 ('Money Lending Act').
3. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.
4. According to the prosecution, the brother of the complainant who was suffering from cancer took the loan of Rs.4,90,000/- from the applicant with interest at the rate of 5% per annum. It is

alleged that towards security, the applicant got executed a sale deed of the agricultural land bearing Gat No.113/2 ad-measuring 1 H 65 R situated at Village Bhagawadi Taluka Madha from the complainant and her brother on the assurance that he would re-convey the land in question in favour of the complainant and her brother on repayment of loan amount. It is alleged that request was made to the applicant to accept the loan amount with interest and re-convey the land in question, however, he avoided to do so and sold the land in question to third party.

5. Admittedly, the sale deed was executed in the year 2018. According to the complainant, it was transaction of mortgage. Therefore, *prima facie*, the dispute between the parties appears to civil dispute. Considering these facts and circumstances, I am inclined to release the applicant on anticipatory bail. In the result the following order is passed.

ORDER

- A) Anticipatory Bail Application is allowed.
- B) In the event of arrest of the applicant in C.R. No.586 of 2022 registered at Tembhurni Police Station for the offences punishable under Sections 405, 406, 420, 434 of the IPC and under Sections 39 and 45 of the Money Lending Act, he shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

[N.R.BORKAR, J.]