

Santosh

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

ANTICIPATORY BAIL APPLICATION NO. 493 OF 2022

Mr. Rajendra Vasantryao Jagtap ...Applicants
Versus
State of Maharashtra ...Respondent

Mr. Ramdas A. Shelke, for the applicant.
Mr. J. S. Lohokare, APP for the State-Respondent.

CORAM: N. J. JAMADAR, J.

DATED : 23rd JUNE, 2022

ORDER:-

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.74 of 2022, registered with Phaltan Rural Police Station for the offences punishable under sections 504 and 506 of the Indian Penal Code, 1860 (the "Penal Code") and section 39 and 45 of the Maharashtra Money Lending (Regulation) Act, 2014 ("the Act, 2014").
3. The indictment against the applicant is that the applicant deals in the business of money-lending sans license under the Act. In the year 2015, the applicant had lent a sum of Rs.5,00,000/- to the first informant on interest at an exorbitant rate of 7% per month. The first informant has repaid an

amount of Rs.9,25,000/- towards the principal amount and interest. Yet, the applicant harassed the first informant in order to coerce him to pay a further amount of Rs.10,00,000/-. The applicant has allegedly obtained an instrument from the first informant, under duress.

4. This Court was persuaded to grant interim protection by an order dated 24th February, 2022. The fate of the prosecution would turn on the construction of the nature of the transaction between the parties and the instrument which evidences the advancement of the loan.

5. In the aforesaid view of the matter, to facilitate effective investigation, custodial interrogation of the applicant does not seem warranted. I am, therefore, inclined to make the interim order of pre-arrest bail absolute, on the terms and conditions incorporated therein.

6. Hence, the following order.

: O R D E R :

- (i) The application stands allowed.
- (ii) The order of interim pre-arrest bail dated on 24th February, 2022, is made absolute on the terms and conditions incorporated therein.
- (iii) In addition, the applicant shall not contact the first

informant on any count whatsoever and shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.

(iv) The applicant shall regularly attend the proceedings before the jurisdictional Court.

[N. J. JAMADAR, J.]