

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

ANTICIPATORY BAIL APPLICATION NO.1069 OF 2022

**PRIYA
RAJESH
SOPARKAR**

Digitally signed by
PRIYA RAJESH
SOPARKAR
Date: 2022.04.21
15:15:37 +0530

Shri Siddharam Mahadeo Dindore

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Viresh V. Purwant, Advocate for the Applicant.

Mr.A.A.Palkar, APP for the Respondent.

**CORAM : VINAY JOSHI, J.
DATE : 20th APRIL, 2022.**

P.C.:-

1. In anticipation of arrest in Crime No.115 of 2022 registered with Valsung Police Station, District Solapur, for the offence punishable under Sections 39 and 45 of the Maharashtra Money Lending (Regulation) Act, 2014, the applicant is claiming pre-arrest protection.

2. At the instance of report lodged by informant dated 17th March, 2022, crime was registered. It is informant's case that on 23rd March, 2005 he had borrowed sum of Rs.75,000/- from the applicant on the term of paying high rate of interest. The applicant has executed a document regarding his agriculture land towards security of money advanced. The informant stated that for long period of 10 to 15 years he had paid interest, however, the applicant has to returned the land. The informant stated that the said land was acquired by Government for NTPC project of which compensation was to be paid. The informant stated some other instances as to how the applicant got executed documents from other farmers also while

advancing loan. It is alleged that the applicant is doing illegal money lending business.

3. The applicant's learned counsel has submitted that in the year 2005 itself the informant has executed the registered sale deed in his favour alienating the entire suit property. According to him, only because the land was acquired and compensation was to be paid, therefore, false report has been lodged. He has pointed that in the year 2013 the informant had filed Regular Civil Suit No.1041 of 2013 for setting aside sale deed. In said suit injunction was claimed towards the amount of compensation, however, it was came to be refused.

4. The State in opposition contended that the offence is of serious nature and the applicant is money lender. It reveals that the registered sale deed was of the year 2005 and yet Civil Court has not set aside the sale deed. Obviously, it is for the informant to establish his case before Civil Court. Execution of sale deed is not denied, meaning thereby it was within the knowledge of applicant from the year 2005 itself. So far as the allegation of money lending is concerned, it is the matter of trial to be proved by way of leading evidence. The informant has referred some transactions regarding other farmers for which the applicant's custodial interrogation is not necessary. Case is largely depending upon documentary evidence. Having regard to the nature of accusation and the material collected during investigation, applicant's liberty can be protected by directing him to join the course of investigation.

5. In view of that, the following order :-

(a) The application stands allowed.

(b) In the event of arrest of applicant in connection with Crime No.115 of 2022 registered at Valsung Police Station, District Solapur on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(c) The applicant shall attend concerned police station on every Sunday in between 10.00 a.m. to 1.00 p.m. till filing of the charge-sheet.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

(e) The application stands disposed of in above terms.

(VINAY JOSHI, J.)

....