

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1690 OF 2022

Uttaman Malayandi .. Applicant

Versus

The State of Maharashtra .. Respondent

...

Mr.Waqar Nasir Pathan for the Applicant.

Ms.Veera Shinde, A.P.P. for the State/Respondent.

Mr.Gokul Jagtap, API attached to Sakinaka Police Station,
present.

...

CORAM: BHARATI DANGRE, J.

DATED : 27th JUNE, 2022

P.C:-

1. The case of the complainant, which resulted in registration of the subject C.R. involving the present applicant as an accused is, six years back his son, Rajesh borrowed a sum of Rs.40,000/- on interest from the present applicant. This fact, however, was not made known to the complainant. When the applicant was repeatedly demanding the money and his son was confronted, it was revealed that six years back, his son borrowed money from the applicant for his personal reasons and there was no denial that money was borrowed.

In the complaint, it is alleged that for last five years, he is repaying a sum of Rs.1600/- per month and till date he has paid the applicant a sum of Rs.80,000/-. Despite this, since last five months, he is facing harassment at the hands of the applicant to repay the amount.

Apparently, there is no proof that the amount, as alleged by the complainant, was repaid.

2. In the wake of the aforesaid accusations, the applicant is accused of committing an offence of extortion punishable under Section 384 of the IPC and an offence under Section 385 of the IPC by putting the person in fear of death or grievous hurt. As far as the offence punishable under Section 385 is concerned, it is bailable and Section 384 provides a penalty of imprisonment which may extend to three years, or with fine, or with both.

3. The learned A.P.P. submits that the applicant has advanced money to several other persons and he is carrying out the said activity, without obtaining licence under the Maharashtra Money Lending Act, 2014. In any case, he may be prosecuted for the same, but as far as Section 39 of the Maharashtra Money Lending Act, 2014 is concerned, it is a bailable offence. *Prima facie*, the custodial interrogation may

not be warranted. Subject to the stipulation that the applicant shall render his co-operation to the Investigating Officer, the following order is passed.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No.825 of 2022 registered with Sakinaka Police Station, applicant-Uttaman Malayandi shall be released on bail on furnishing P.R.Bond to the extent of Rs.50,000/- with one or more sureties of the like amount.
- (c) The applicant shall report to the Investigating Officer on every Thursday and Friday between 10.00 a.m. to 5.00 p.m. for a period of two weeks and, thereafter, as and when called for.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(SMT. BHARATI DANGRE, J.)