

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

ANTICIPATORY BAIL APPLICATION NO.1887 OF 2022

Gautam Joma Patil

... Applicant

versus

The State of Maharashtra

... Respondent

Mr. Gaurav Parkar, for Applicant.

Mr. A.A.Palkar, APP, for State.

CORAM: N.J.JAMADAR, J.

DATE : 11th JULY, 2022

P.C.

1. This is an Application for pre-arrest bail in connection with C.R.No.147 of 2022 registered with Alibag Police Station for the offences punishable under Sections 39 and 45 of the Maharashtra Money Lending Act and Sections 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2. Mr. Abhay A. Patil, the first informant, lodged a report with the allegations that as he was indebted to various banks and financial institutions and his source of revenue had dried up, he had availed a loan from the co-accused Pratap Patil, who deals in the business illegal money lending. Subsequently, the first informant claimed to have availed a loan from co-accused Prafful Bhagat, who also deals in the business of illegal money lending. The co-accused who deal in illegal money lending allegedly threatened the first informant with dire consequences.

3. Qua the Applicant the only allegation seems to be that on 10th June, 2022, the Applicant had accompanied the co-accused Pratap Patil and his wife Smita Patil when they threatened the first informant and his wife to pay the amount whatever be their financial position.

4. Evidently, the Applicant is not alleged to be a money lender. The only allegation against the Applicant is that of having accompanied the alleged money lenders, when threats were given to the first informant and his wife.

5. In the aforesaid view of the matter, the custodial interrogation of the Applicant is not at all warranted. Hence, I am inclined to exercise the discretion in favour of the Applicant. Thus, the following order :

ORDER

(i) The Application stands allowed.

(ii) In the event of the arrest of the Applicant – Gautam Joma Patil in C.R.No.147 of 2022 registered with Alibag Police Stawtion for the offences punishable under Sections 504, 506 read with Section 34 of the Indian Penal Code, 1860 and Sections 39 and 45 of the Maharashtra Money Lending Act, he be released on bail on furnishing a PR bond in the sum of Rs.25,000/- and one or two sureties in the like amount.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.

(iv) The Applicant shall co-operate with the investigation and report to the Investigating Officer as and when directed.

(N.J.JAMADAR,J.)