

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2319 OF 2021

Chandrakant Babasaheb Nanekar ..Applicant

V/s.

The State of Maharashtra ..Respondent

Mr.Niranjan Mundargi i/b. Ms. Angha Tandel for the Applicant.

Mrs. M. R. Tidke, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

**DATE : 5 JANUARY 2022
(Through Video Conference)**

PC.

1. By this Application, the Applicant/Accused is seeking Anticipatory Bail in connection with Investigation of Crime No.428 of 2021 registered with Chikhali Police Station for offences punishable under Section 3, 25 of Arms Act, 1959, Section 7 of the Criminal Law Amendment Act, 1932, Sections 342, 386, 363, 368, 504, 506(2) r/w 34 of Indian Penal Code and Section 34 of the Maharashtra Money-Lenders Act, 1946.

2. I have heard learned counsel for the Applicant and the learned APP appearing for the State. Perused record.

3. It appears that there are in all 5 Accused in the case. The Applicant in his capacity as a legal practitioner is alleged to have prepared an agreement on which the complainant claims that his signatures were obtained forcibly and the said document was

retained by the Applicant. This document was allegedly prepared in pursuance of a loan advanced by Accused Nanasaheb Gaikwad to the complainant on interest @ 5% per month. This transaction relates back to the year 2016.

4. I have gone through the complaint lodged by Mahadev Shivanand Gurav. He claims that Accused Nanasaheb Gaikwad had given a loan of Rs.10 lakhs @ 5% per month interest for which the complainant had passed two cheques. The only allegation against the present Applicant is that he was present there and he had prepared the agreement on stamp paper on which the signatures of the complainant were obtained without explaining contents of the document to the complainant.

5. Learned counsel for the Applicant pointed out that there was no allegation after 2016 about any such document being used by Nanasaheb Gaikwad or anybody else against the complainant. He states that there is no such document which was prepared by the Applicant. Learned counsel pointed out that there was a similar complaint lodged by the brother of the complainant in respect of which a separate offence being Crime No.338 of 2021 was registered and in that case the Applicant has been granted Anticipatory Bail by the learned Sessions Judge at Pune on 15th September, 2021.

6. Learned counsel pointed out that the list of documents (at page no.54 of the compilation) sets out the details of the documents prepared by the Applicant and at serial no.20 shows that there is an agreement between Nanasaheb Gaikwad and Vithal Shivanand Gurav who is the brother of the complainant. It was executed on 12th December, 2017. Learned counsel pointed out that the said document was handed over to Investigating Officer.

7. Record discloses that on 28th September, 2021, interim protection was granted to the Applicant on certain conditions.
8. Looking to the over all circumstances, I find that the same deserves to be confirmed. Anticipatory Bail Application is accordingly allowed in terms of Order dated 28th September, 2021 subject to the condition that the Applicant shall cooperate with the Investigating Agency as and when required and shall not tamper or influence the prosecution witnesses / evidence.
9. Anticipatory Bail Application is disposed of.

(C.V. BHADANG, J.)