

14 November, 2022.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3127 OF 2022**

Akshay Kundalik Kale &anr.

....Applicants

V/s.

The State of Maharashtra

....Respondent

Mr. Ganesh Bhujbal, Advocate for the applicants.

Mr. M.G. Patil, APP for State.

PI, Mr. Kalyan Hausrao Khandekar, from Baramati City Police Station present.

CORAM : SANDEEP K. SHINDE, J.

MONDAY 14TH NOVEMBER, 2022.

P.C. :

1. Heard learned Counsel for the parties.
2. Apprehending the arrest in connection with Crime No. 389/2022 registered with Baramati City Police Station for the offences punishable under Sections 143, 147, 149, 324, 323, 504, 506, 451 of the Indian Penal Code and Sections 39 and 45

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of the Maharashtra Money Lending (Regulation) Act, 2014, applicants seeks pre-arrest bail.

3. Mr. Bhujbal, learned Counsel for the applicants, does not press the application of applicant no.2, who has been arrested on 8th November, 2022.

4. Prosecution case is that, on 24th August, 2022 around 7.45 p.m. applicants' father, Kundalik, had been to the shop of the complainant to recover the amount allegedly advanced by him. It appears, the complainant refused to pay the interest, then demanded by Kundalik. Whereupon, the applicant was called to the shop. Thereafter, the applicant and the co-accused allegedly beaten up the complainant and threatened him of dire consequences. Gist of allegations against the applicant is that, he molested the debtor (complainant) for recovery of the debt due and thereby committed an offence punishable under Section 45 of the Maharashtra Money Lending (Regulation) Act, 2014. The said offence is punishable with imprisonment which may extend to two years or fine.

5. In any case, accusations, prima-facie, do not suggest that the, applicant is doing money lending without valid license, but allegedly abetted, his father to recover dues,

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act which is punishable with imprisonment for two years. In so far as, the offence under Section 324 is concerned, the Injury Certificate produced by the prosecution shows that, the complainant had suffered simple injuries. In consideration of the above facts, case is made out for granting pre-arrest bail to the applicant. Hence, the following order.

ORDER

(I) In the event of arrest of applicant no.1-Akshay Kundalik Kale Crime No. 389/2022 registered with Baramati City Police Station, Pune he shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or more sureties in the like amount.

(ii) Applicant no.1 shall report to the Investigating Officer twice a month on the second and fourth Monday of each month commencing from November, 2022 between 11:00 to 1:00 p.m.

(iii) Applicant shall furnish residential address, as well as, contact details to the Investigating Officer within a week from today.

(iv) Applicant shall not tamper with the evidence or

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attempt to influence or contact the complainant, witnesses or any person concerned with the case.

6. The Application is allowed and disposed of in the aforesaid terms.

**NEETA
SHAILESH
SAWANT**

Digitally signed by
NEETA SHAILESH
SAWANT

Date: 2022.11.15
12:06:09 +0530

(SANDEEP K. SHINDE, J.)