

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1347 OF 2022

Raosaheb Kundlikrao Bhavar

...Applicant

Versus

The State Of Maharashtra

...Respondent

Mr. S.S. Thombre, Advocate for the applicants.

Mr. V.S. Badakh, APP for the respondent.

Ms. M.R. Jamdhade, Advocate for informant/assist to PP.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 12th JANUARY, 2023

ORDER :

1. The applicant apprehends arrest in Crime No. 288/2022, registered with Police Station Tembhurni, Taluka-Badnapur, District- Jalna, for offences under section 506 of Indian Penal Code and under sections 39 and 45 of Maharashtra Money Lending Act.

2. On 08.09.2022 Yogesh Rameshwar Pacharne lodged FIR alleging that he obtained loan from applicant who is conducting illegal money lending business. Towards security of loan, sale deed of his land Gut No. 169, admeasuring 00.60 Are, was executed. He complained to Competent Authority/District

Deputy Registrar about illegal money lending transaction of applicant, who after hearing held in favour of informant and directed applicant to return the land of informant. Hence, he alleged that the applicants have grabbed his land while doing illegal money lending business.

3. Heard the learned advocate for the applicant, learned Additional Public Prosecutor for respondent and learned advocate for informant. Perused the investigation papers.

4. It is the case of the applicant that applicant has purchased the land in question from informant by paying him substantial amount. Applicant has also filed Regular Civil Suit No. 460/2019 seeking injunction against informant and his family members from interfering in the peaceful possession of applicant. Applicant claims that he is doing seed business and he is cultivating crops to prepare seeds in the land in question. In support of said contention he has placed on record seed license issued in his favour and license to carry on business of dealer in seeds which is issued in the name of applicant.

5. Perusal of investigation papers shows that the prosecution case is based on documents and all the documents are already seized by the investigating agency. Certified copy of sale deed in question is also collected by the investigating officer.

6. Learned Additional Public Prosecutor submits that custody of applicant is necessary for obtaining original sale deed. This contention cannot be accepted, as the investigating officer has already collected certified copy of the sale deed.

7. Considering the allegations in the FIR and the material collected during the course of investigation and as nothing is to be recovered from the applicant, pre-trial custodial detention of applicant is not necessary in the facts of the present case.

8. The applicant was granted interim protection and he has attended the police station and has co-operated in the investigation. In the light of these facts, application is allowed by confirming interim protection dated 07.10.2022.

9. Till filing of charge sheet, applicant to attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]