

AGK

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

ANTICIPATORY BAIL APPLICATION NO.455 OF 2021

Neeta Vijay Pachpute & Anr. ... Applicants

V/s.

The State of Maharashtra ... Respondent

WITH

INTERIM APPLICATION NO.878 OF 2021

IN

ANTICIPATORY BAIL APPLICATION NO.455 OF 2021

Mohankumar Pandurang Patil ... Applicants

In the matter between

Neeta Vijay Pachpute & Anr. ... Applicant

V/s.

The State of Maharashtra ... Respondent

WITH

INTERIM APPLICATION NO.669 OF 2021

IN

ANTICIPATORY BAIL APPLICATION NO.455 OF 2021

Sheela Sushil Kumar Madhumal ... Applicants

In the matter between

Neeta Vijay Pachpute & Anr. ... Applicant

V/s.

The State of Maharashtra ... Respondent

WITH

INTERIM APPLICATION NO.582 OF 2021

IN

ANTICIPATORY BAIL APPLICATION NO.455 OF 2021

Amruta Tushar Deshmukh ... Applicants

In the matter between

Neeta Vijay Pachpute & Anr. ... Applicant

V/s.

The State of Maharashtra ... Respondent

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Mr. Aniket Nikam with Mr. Ankur Pohade, Mr. Piyush Toshniwal, Mr. Aashish Satpute and Mr. Amit Icham i/by Mr. Vivek N. Arote for the applicant in ABA.

Mr. C.S. Patil i/by Mr. Arjun Singh Thakur for the applicant in IA/878/2021.

Ms. Pooja Phangnekar for the applicant in IA/669/2021.

Mr. Uday P. Warunjikar for the applicant in IA/582/2021.

Mrs. Veera Shinde, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JULY 4, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.52 of 2021 dated 29 January 2021 registered at Chatushrungi Police Station, District Pune for offences punishable under Section 39 of the Maharashtra Money Lending (Regulation) Act, 2014, the applicant is seeking relief of pre-arrest bail under Section 438 of the Criminal Procedure Code, 1973.

2. Based on report filed by one Digvijay Hemnath Rathod, Deputy Registrar, Cooperative Department, Pune City-1, prosecution was lodged against the applicant alleging that the applicant is indulging in business of money lending without holding legal and valid license. According to prosecution, the applicants obtained blank cheques and various other documents of title from the borrowers between the period from 1 April 2008 to 31 March 2009.

3. The learned Sessions Judge by order dated 10 February 2021 rejected the application filed by the applicant seeking pre-arrest protection under Section 438 of the Criminal Procedure Code, 1973. The applicants, therefore, filed present anticipatory bail application.

4. This Court by order dated 17 February 2021 granted protection to the applicant which was continued till today. There is no complaint or refusal of the applicant to cooperate with the investigation. Pending present application, charge-sheet has already been filed against the applicant.

5. Considering the period of alleged offence, i.e., from April 2008 to March 2009, provisions of the Money Lending Act, 1946 would be attracted which provides for punishment of one month.

6. According to victims, there are other allegations against the applicants which are not investigated properly by the investigating agency. For the said purpose, it shall be open for the victims to adopt appropriate remedy as is available in law. However, considering the scope of Section 438 of the Criminal Procedure Code, 1973, based on material available on record and considering the fact that charge-sheet is already filed, relief under Section 438 of the Criminal Procedure Code, 1973 deserves to be granted. Hence, following order:

a) In the event of arrest of the applicants in connection with C.R. No.52 of 2021 dated 29 January 2021 registered at Chatushrungi Police Station, District Pune for offences punishable under Section 39 of the Maharashtra Money Lending (Regulation)

Act, 2014, they be released on bail on furnishing PR. Bond in the amount of Rs.50,000/- each with one or two sureties in the like amount;

b) The applicants shall remain present before the investigating officer on between 11.00 a.m. to 2.00 p.m. and thereafter as and when called by the concerned investigating officer;

c) The applicants shall cooperate with the investigation and make himself available for interrogation whenever required;

d) The applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

v) The applicants shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

vi) The applicants shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

7. The anticipatory bail application stands disposed of in above terms. No costs.

8. In view of disposal of the anticipatory bail application, nothing survives in the interim applications and the same stand disposed of accordingly.

(AMIT BORKAR, J.)