

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

ANTICIPATORY BAIL APPLICATION NO. 911 OF 2022

Siddhamma Mallinath Patil ... Applicant
v/s.
The State of Maharashtra and anr. Respondents

Mr. Ritesh Thobde a/w. Mr. Changdeo for the Applicant.
Mr. S.V. Gavand, APP for the State.
None for the Respondent No.2.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 04th JULY, 2023.

P.C. :-

. This is an Application under section 438 of Cr.PC. filed by the
aforesaid Applicant apprehending her arrest in C.R.No.701/2021
registered with Akkalkot South Police Station, Solapur Rural for
offences punishable under sections 306, 511, 504, 506 r/w. 34 of the
Indian Penal Code and under sections 39 and 45 of Maharashtra
Money Lending (Regulations) Act, 2014.

2. Heard learned counsel for the Applicant and learned APP for the
State. I have perused the records and considered the submissions
advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Shrishail Birajdar. The facts narrated in the FIR prima facie reveal that in the year 2017, he had approached the husband of the Applicant for an amount of Rs.1,00,000/-. The husband of the Applicant herein gave him loan of Rs.1,00,000/- and as security, the first informant transferred 3.5 acres of paddy field under Gat No.56 in his name. The first informant further claims that he had worked in the paddy field of the Applicant for about four years without salary. The first informant claims that he was unable to refund the money taken from the husband of the Applicant.

4. The first informant has alleged that on 16/12/2021, the Applicant herein told him to transfer the property under paddy field no. 88 in her name or else to pay Rs.25 to 30 lakhs failing which she threatened him to implicate him in a rape case. He claims that the Applicant and her husband took him to the office of the Sub-Registrar and obtained his signature on some papers. He claims that he attempted to commit suicide because of the harassment meted out to him by the Applicant and her husband.

5. Learned APP has placed on record the report forwarded by the

Investigating Officer which indicates that the Applicant and her husband are not involved in the business of money lending. Hence, prima facie, the provisions under sections 39 and 45 of Maharashtra Money Lending (Regulations) Act, 2014 are not attracted.

5. The records indicate that the first informant has executed a sale deed in favour of the Applicant which has been duly registered. It is stated that the first informant has not filed any suit for cancellation of sale deed. Hence, prima facie, there is no material on record to indicate that the first informant was coerced/compelled into executing the said sale deed and/or aided, abetted the commission of suicide.

6. The Applicant is on interim bail since long. She has co-operated with the investigation and charge sheet has been filed. Hence, presence of the Applicant is not required for custodial interrogation. Under the circumstances, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.701/2021 registered with Akkalkot South Police Station, Solapur Rural, she shall be released on bail on

furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer as and when required ;

(c) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicant shall keep the Investigating Officer informed of her current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

7. The Application stands disposed of.

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Date: 2023.07.06
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(SMT. ANUJA PRABHUDESSAI, J.)