

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

**ANTICIPATORY BAIL APPLICATION NO. 1221 OF 2023**

Ankush Kerba Hande

... Applicant

v/s.

The State of Maharashtra

.... Respondent

Ms. Vilasini Balkrishnnan a/w. Jaydeep Mane for the Applicant.

Mr. S.H. Yadav, APP for the State.

Mr. Vaibhav Markad, API, Karmala Police Station, present.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.**

**DATED : 13<sup>th</sup> JUNE, 2023.**

**P. C. :-**

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R.No.141/2023 registered with Karmala Police Station, Solapur Rural for offences punishable under sections 306, 504, 506 r/w. 34 of the Indian Penal Code and sections 39, 45 and 46 of The Maharashtra Money-Lending (Regulation) Act, 2014.

2. The facts narrated in the FIR prima facie reveal that the Applicant had advanced loan to the father of the Complainant and that the father of the Complainant had transferred the property in favour of the wife of the Applicant as a security for the loan. It was agreed that the property would be re-transferred to the Complainant's father on

repayment of the loan amount. It is alleged that the wife of the Applicant sold the property to a third person and the said purchaser demanded possession of the property from the father of the Complainant due to which the father of the Complainant was under tremendous mental pressure and committed suicide.

3. The allegations do not prima facie disclose the essential ingredients of abetment within the meaning of section 107 of the Indian Penal Code. Learned APP further states that the Applicant is not involved in the business of money lending within the meaning of section 2(iii) of Maharashtra Money-Lending (Regulation) Act, 2014.

4. Considering the above facts and circumstances, this Court by order dated 26/04/2023, had granted interim protection to the Applicant. It is stated that pursuant to the said order, the Applicant has reported to the Investigating Officer and that he has been interrogated. In view of the above, no case is made out for custodial interrogation. The Applicant is a native of the State and there are no chances of the Applicant absconding or thwarting the course of justice. Hence, the Application is allowed. Interim relief granted by order dated 26/04/2023, stands confirmed. The Applicant shall report to the

Investigating Officer as and when required.

5. Application stands disposed of.

**(SMT. ANUJA PRABHUDESSAI, J.)**