

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO.1265 OF 2023

Bhagwat Pandurang Chatre ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr. Viral Rathod i/by Ms. Saima Sothe, for the Applicant.

Mrs. Rutuja Ambekar, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JUNE 23, 2023

P.C.:

1. Apprehending arrest in connection with C.R.No.0139 of 2023 registered with Chandan Nagar police station, Pune for the offences punishable under Sections 384, 385 and 504 of the Indian Penal Code, 1860 (for short 'IPC') and under Sections 39 and 45 of the Maharashtra Money Lending Act, the applicant has filed present anticipatory bail application seeking relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.').

2. According to the prosecution, the informant and her husband had obtained amount of Rs.50,000/- from the applicant for marriage of their daughter. It is alleged that they repaid amount of Rs.2,50,000/- to the applicant. However, despite payment, the applicant was harassing them by calling on phone and threatened. On 20 March 2023, the applicant demanded amount of

Rs.55,000/- and threatened the informant. She, therefore, lodged the report with the concerned police station.

3. The applicant, therefore, filed application under Section 438 of Cr.P.C. before learned Sessions Judge which came to be rejected by order dated 12 April 2023.

4. This Court by order dated 2 May 2023 directed the applicant to deposit amount of Rs.50,000/- to ascertain whether the applicant is involved in money lending business.

5. On perusal of the report and material on record, it appears that allegations against the applicant are to the extent that the applicant threatened the informants for non-repayment of amount of Rs.55,000/-.

6. Considering the allegations made against the applicant, custodial interrogation of the applicant is not necessary. However, the investigating agency shall ascertain whether the applicant is engaged in money lending business. If, it is found that the applicant was doing money lending business, the trial Court shall pass appropriate order for forfeiture the amount of Rs.50,000/- at the conclusion of the trial. Hence, following order:

a) In the event of arrest in connection with C.R. No.0139 of 2023 registered with Chandan Nagar police station, Pune for the offences punishable under Sections 384, 385 and 504 of IPC and under Sections 39 and 45 of the Maharashtra Money Lending Act, the applicant be released on bail on furnishing PR. bond of Rs.50,000/-, along with one or two sureties in the like amount.

- b) The applicant shall remain present before the concerned police station on 26th, 28th and 30th June, 2023 between 11:00 am to 2:00 pm thereafter, as and when called by the investigating officer.
 - c) The applicant shall not contact the informant and her family members during pendency of the trial.
 - d) The applicant 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.
 - e) The applicant 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.
 - f) The applicant 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.
 - g) Amount of Rs.50,000/- deposited with this Court shall be transferred to the trial Court within period of six weeks from today.
7. The anticipatory bail application stands disposed of.

(AMIT BORKAR, J.)