

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

ANTICIPATORY BAIL APPLICATION NO.1526 OF 2022

1. Gorakh Dnyandev Miskin
2. Vitthal Bhalchandra Miskin
3. Dhanaji Bhagwan Miskin
4. Ramesh Bajarang Miskin

...Applicants

Versus

The State of Maharashtra

...Respondent

...

Mr. Viresh Purwant for the Applicants.
Mrs. S.S. Kaushik, APP for Respondent-State.
Mr. C.A. Pawar, PC, Temburni police station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 24th MARCH, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R. No.307 of 2022 registered with Tembhurni Police Station, Solapur Gramin, for the offences punishable under Sections 504, 506 r/w. 34 of the IPC and Sections 39 and 45 of the Maharashtra Money Lending Act, 2014.

2. Heard Mr. Purwant, learned counsel for the Applicants and Mrs. Kaushik, learned APP for the Respondent -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 Vaibhav Thakare. A perusal of the FIR prima facie reveals that the Complainant had availed loan of Rs.1,50,000/- from Applicant No.1, Rs.2,20,000/- from Applicant No.3 and Rs.1,20,000/- from Applicant No.2 on payment of interest @5% per annum. The first informant has stated that he has repaid an amount of Rs.4,00,000/- to the Applicant No.1, Rs.3,50,000/- to Applicant No.2 and Rs.5,00,000/- to Applicant No.3. He states that despite repayment of the money, the Applicants have been threatening and abusing him. He claims that the Applicant No.4 has also threatened to cause his death in the event he approaches police. On the basis of the said allegations the aforesaid crime has been registered.

4. The records reveal that by order dated 10/06/2022 this Court had ordered to release the Applicants on interim bail. Learned APP states that the Applicants have appeared before the Investigating Officer, they have been interrogated and have co-operated with the investigation.

5. It is to be noted that the offences under Sections 504 and

506 are bailable. Though the Applicants are alleged to have committed offence under Section 39 of the Money Lending Act, learned APP states that till date apart from these isolated transactions there is no prima facie material to indicate that the Applicants are in business of money lending. Suffice it to say that isolated civil transactions would not constitute business of money lending under Section 2(3) of the Money Lending Act.

6. Under such circumstances, the Applicants are entitled for pre-arrest bail. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicants in C.R. No.307 of 2022 registered with Tembhurni Police Station, Solapur Gramin they shall be released on PR bonds in the sum of Rs.20,000/- each with one or two sureties each to the like amount.
- (ii) The Applicants shall report to the Investigating Officer as and when required by the Investigating Officer.
- (iii) The Applicants shall keep the Investigating Officer informed of their current addresses and mobile

contact numbers, and /or change of residence or mobile details, if any, from time to time.

7. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)