

Nikita

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

ANTICIPATORY BAIL APPLICATION NO.1751 OF 2023

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Shankar Jaywant Patankar

... Applicant

V/s.

State of Maharashtra

... Respondent

Mr. Vinod Sangvikar a/w Mr. Yogesh Morbale for the
Applicant.

Ms. Namrata Vora, for Respondent No.2.

Mr. Amit A. Palkar, APP for the State/Respondent.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 11, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.0361 of 2023 registered with the Islampur Police Station for the offense punishable u/s. 34, 363, 420, 504 and 506 of the Indian Penal Code, 1860, and u/s 39, 45 of the Money Lending (Regulation) Act, 2014. The applicant is seeking relief of pre-arrest bail under Section 438 of the Criminal Procedure Code, 1973.

2. The prosecution story in short is as under:

It is the case of the prosecution that on 06.06.2023 Vinod Ananda Patole lodged complaint to the police station that, he alleged that he knows the accused since 2017. He is serving as PSI at Mumbai.

In the year 2021, he has obtained the hand loan with interest for amount of Rs.1,20,000/-.

Informant further alleged that on 20.06.2022 accused came to him and he inveigle him to enter the contract for the petrol pump at Borgaon alleging that it was reserved for SC category. He further told him that the informant did not required the any amount he will invest the amount and adjust the same from profit. After some days accused demanded interest on his amount @10%. Hence, informant inquired to him his share in petrol pump. At that time, accused refused to give him any share and asked to sign the document in favour of the person as per the choice of the accused. Informant denied to do so.

Informant further alleged that thereafter accused contacted him and instigate him to assault on Jayant Gejage, to whom the accused has lend the amount on interest. Accused assured him that if he assault Jayant Gejage he will not demand the interest on amount paid to the informant. Informant denied to do so.

Informant further alleged that on 05.06.2023, accused kidnapped his brother Vikas and asked the informant to pay the amount to release his brother. Thereafter, accused make free to his brother. Thereafter, he came to police station. ON the basis of statement police had filed crime against the accused.

3. The application under 438 of the Criminal Procedure Code, 1973, filed by the applicant has been rejected by the Sessions Judge by order dated 17th June 2023.

4. During pendency of the present application the informant

and the applicant have amicably resolved their dispute dated 7th August 2023. Insofar as paragraph No.10, of the affidavit is concerned, the contents therein are outside purview of the present application. The affidavit is accepted in terms of paragraph No.5, of the affidavit. In view of the paragraph No.5, of the order, and pass following order:

- a) In the event of arrest of the applicant in connection with C.R. No.0361 of 2023 registered with the Islampur Police Station for the offense punishable u/s. 34, 363, 420, 504 and 506 of the Indian Penal Code, 1860, and u/s 39, 45 of the Money Lending (Regulation) Act, 2014, he be released on bail on furnishing P.R. Bond in the amount of Rs.25,000/- alongwith one or two sureties in the like amount;
- b) The applicant shall remain present before the investigating officer on 21, 23rd, and 25th August 2023, between 11.00 a.m. to 2.00 p.m. and thereafter as and when called by the concerned investigating officer;
- c) The applicant shall cooperate with the investigation and make himself available for interrogation whenever required;
- 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;

5. The anticipatory bail application stands disposed of. No costs.

(AMIT BORKAR, J.)