

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

ANTICIPATORY BAIL APPLICATION NO. 2597 OF 2023

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Sadashiv Ramanna Konade and anr. ...Applicants
Versus
State of Maharashtra ...Respondent

Mr. Viresh Purwant, for the Applicants.
Mr. M. G. Patil, APP for the State/Respondent.
PI Pankaj Dhadge, Bhoiwada Police Station, present.

CORAM: N. J. JAMADAR, J.
DATED: 13th SEPTEMBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicants and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.342 of 2023 registered with Akkalkot South Police Station, District Solapur, for offence punishable under Section 353 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
3. The first informant is posted as a Circle Officer. Pursuant to an order passed by the Tahsildar, on an application filed by Shankumar Shivlingappa Nimbal, who, the applicants allege, has usurped their agricultural land in an illegal money-lending transaction, protection was provided

while harvesting the crop in the said field. On 29th May, 2023, when harvesting operations were underway, in the presence of the first informant and police personnel, the applicants came to the field and stopped the harvester. The applicants allegedly caused obstruction to the first informant while he was discharging his official duty. Hence, the report.

4. The learned Counsel for the applicant submitted that there have been disputes between the applicant and Mr. Nimbal. A grievance about the illegal money-lending transaction was made with the Registrar. By an order dated 11th January, 2023, post enquiry, the Registrar has recorded a *prima faice* finding that the instrument executed in favour of Mr. Nimbal is illegal. The said money-lender had initially lodged FIR No.25/2023 for the offences punishable under Sections 379, 341, 323, 504 and 506 read with Section 34 of the Penal Code and this Court had granted pre-arrest bail in the said matter.

5. The learned APP resisted the prayer for pre-arrest bail.

6. Evidently, the genesis of the offence is in the dispute between the applicants and Mr. Nimbal over the alleged illegal money-lending transaction. There is *prima facie* material to show that the applicants have lodged complaints of illegal

money-lending and the authorities under the Maharashtra Money-Lending (Regulation) Act, 2014 have initiated action against Mr. Nimbale.

7. In any event, having regard to the nature of the accusation, custodial interrogation of the applicants is not at all warranted. The applicants appear to have roots in society. Possibility of fleeing away from justice seems to be remote. I am, therefore, persuaded to exercise discretion in favour of the applicants.

8. Hence, the following order:

: O R D E R :

- (i) In the event of arrest of the applicants in CR No.342 of 2023 registered with Akkalkot South Police Station, District Solapur, the applicants be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount, each.
- (ii) The applicants shall cooperate with the investigation and report to the Investigating Officer on every alternate Sunday in between 10.00 am. to 1.00 pm. for a period of one month.
- (iii) The applicants shall not tamper with the prosecution evidence and give threat or inducement to the first

informant and any person acquainted with the facts of the case.

- (iv) The applicants shall regularly attend the proceedings before the jurisdictional Court.
- (v) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed.

[N. J. JAMADAR, J.]