IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 610 OF 2024

Omkar Ankush Gaikwad .... Applicant

Versus

The State of Maharashtra .... Respondent

Mr. Ganesh Bhujbal, for the applicant.
Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.
DATE : 6th MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R. No. 1338 of 2023 registered at Karad City Police Station, Satara on 28/12/2023, under sections 306, 511, 386, 509, 504, 506 of the Indian Penal Code and under sections 39 and 45 of the Maharashtra Money Lending (Regulations) Act, 2014.

2. Heard Mr. Bhujbal, learned counsel for the Applicant and Ms. Ganapathy, Learned APP for the Respondent-State.

3. The FIR is lodged by one Yugal Solanki. He has stated that he was giving the statement from the ICU of Samaksh Sanjivani Medical Centre, Karad. He wanted finance for his business. Therefore, without telling his family members he took financial help from Shubham Dheb and Shubham Mhaske to the tune of Rs. 4 lakhs. The informant had paid Rs. 2 lakhs as the down payment and thereafter, Rs. 55,000/- per week and then the balance of Rs. 2 lakhs was to be paid through Rs. 40,000/- per month. In that connection, he had repaid Rs. 12 lakhs, but even then those two were demanding more money. They were telling him that Rs. 4 lakhs were still payable. They used to visit his shop and used to abuse and threatene him. To save himself from their harassment, the first informant approached the Applicant and took Rs. 4,61,000/-. He obtained Rs. 2,50,000/- from the Applicant's friend Nilesh and then Rs. 4 lakhs from one Atharva Chavan. The informant returned Rs. 12 lakhs to the Applicant. He paid Rs. 5 lakhs to Nilesh but Nilesh used to impose fine of Rs. 10,000/- if there was delay in payment of installments. He had returned Rs. 2,50,000/- to Atharva. Inspite of that those persons

were abusing and threatening him. In August 2023, he obtained Rs. 2 lakhs from one Dada Mhaske. Thus he was under the obligation to refund various loan amounts. He had mortgaged his car and had obtained loan to make payment. He consumed sleeping pills on 20/12/2023. He was admitted to hospital. He then lodged the FIR. He has stated that he had obtained loan of Rs. 18,11,000/- and paid Rs. 32,99,300/- till date and even then he was being harassed.

4. Learned counsel for the Applicant submitted that there are no specific allegations against the present Applicant that he had committed any particular act amounting to harassment. The only reference against the Applicant is that he had given money to the informant to help him and there is omnibus statement that all of them were harassing him. This would not amount to any offence on the part of the Applicant. Though police have applied Section 306 of the Indian Penal Code, the said section is not attracted at all. The informant has recovered.

5. Learned APP submitted that there are statements of friends of the informant which show that those persons had forwarded various loan amount on high interest and were harassing the informant. Learned APP produced investigating papers before me. Beyond that there is nothing additional to the allegations made in the FIR.

6. I have considered these submissions. As rightly submitted by learned counsel for the Applicant there are no specific allegations of harassment against the present applicant. The informant had approached the Applicant only when he was in dire need of money which was due and payable to the other persons who had advanced him loan. The Applicant had not approached the informant and had not made any false representations. There is nothing to show that the Applicant had abused or threatened or issued a particular threat against the informant. The FIR shows that, infact, the Applicant had helped him financially, though the allegations are that he has obtained more interest than was reasonable. However, on this basis,

custodial interrogation of the Applicant is not necessary . There is nothing to show that the Applicant was dealing in any illegal money lending business regularly, attracting section 39 and 45 of the said Act. The allegations show that only to help the informant that money was given by the Applicant to the informant. Hence the following order.

<u>O R D E R</u>

i) In the event of his arrest in connection with C.R. No. 1338 of 2023 registered at Karad City Police Station, Satara , the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.

iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)