IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 656 OF 2024

Atharva Rajendra Chavan .... Applicant
Versus
The State of Maharashtra .... Respondent

Ms. Manisha Devkar for the Applicant.
Mr. Nitin B. Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 24 APRIL 2024

P.C. :

1. This matter is placed for speaking to the minutes of the order dated 07.03.2024. In the order dated 07.03.2024, there is a typographical error in paragraph-1, as well as, in the operative part in Clause (i). The C.R. number is mentioned as C.R.No.1338 of 2024. The correct C.R. number is C.R.No.1338 of 2023. This typographical error be corrected.

3. Rest of the order shall remain as it is.

4. Corrected order be uploaded.

(SARANG V. KOTWAL, J.)

VINOD BHASKAR GOKHALE Digitally signed by VINOD BHASKAR GOKHALE Date: 2024.04.25 12:49:34 +0530

CORRECTED ORDER DATED 7 MARCH 2024 READS THUS:

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Versus
The State of Maharashtra .... Respondent

Ms. Manisha Devkar a/w Shankar Katkar, Siddhi Patil, for the applicant.
Mr. Niitin B. Patil, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.
DATE : 7th 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 Ms. Manisha Devkar, learned counsel for the

Applicant and Mr. Patil, learned APP for the Respondent-State.

3. Though the prosecution has mentioned that section 306 of the Indian Penal Code, the informant had consumed pills but he has survived and therefore section 306 of IPC is wrongly applied.

4. The FIR is lodged by the victim Yugal Solanki. He has stated that he was knowing Shubham Dheb and Shubham Mhaske. They were his friends. He was aware that they were advancing loan. The informant wanted money to start his business. Therefore, without telling his family members he took financial help from these two to the tune of Rs. 4 lakhs. The informant was to pay certain amount by way of interest. According to him, he had returned Rs. 12 lakhs but they were still continue to demand money telling him that said amount of Rs. 12 lakhs was only in the nature of interest but he had to repay principle amount of Rs. 4 lakhs. They were constantly harassing and threatening him. Therefore the informant approached others to obtain loadn and to repay those two Shubham Dheb and Shubham Mhaske. He took Rs. 4 lakhs from Omkar Gaikwad, Rs. 2.50 lakhs from Nilesh and

Rs. 4 lakhs from the present Applicant. He had returned certain amount to these three as well. He had returned Rs. 2,50,000/- to the present Applicant. There are general allegations that these people used to call him, used to visit his shop and used to abuse and threatened him. To stop their harassment, he took loan from one Dada Mhaske. He mortgaged his car but still harassment continued and ultimately out of frustration he consumed pills. He was hospitalised and was saved because of timely treatment. On this basis, the FIR is lodged. 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.

5. Learned counsel for the Applicant submitted that the informant was in the habit of investing money in the share market and if he loss money he was taking money from various people. She submitted that the applicant had only helped the informant and he has never harassed him. There are no allegations against the present applicant. The Applicant is a college going student. Therefore his custodial interrogation is not necessary.

6. Learned APP relied on the allegations made in the FIR.

He submitted that because of the constant harassment the informant had consumed pills which necessitated treatment in the hospital.

7. I have considered these submissions. The allegations are made against many people. The Applicant is one of them who had advanced Rs. 4 lakhs to the informant. The informant had allegedly returned Rs. 2,50,000/-. The significant fact that there are no specific allegations against the present Applicant of approaching the informant on a particular date or issuing particular threats. There are only general allegations and omnibus allegations against most of them including the present Applicant. As rightly submitted by learned counsel for the Applicant, the Applicant had merely advanced loan and had helped the informant. From the allegations in the FIR it appears that there is no specific rule of any particular harassment attributing to the present Applicant. The fact that the Applicant had given him loan and was expected returned of that money by itself is not an offence. There is nothing to show that the Applicant had abused However, on these basis, custodial interrogation of the Applicant is

not necessary . There is nothing to show that the Applicant was indulging in any illegal money lending business 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.

O R D E R

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 from 19th March 2024 to 21st March 2024 between 1.00 p.m. to 5.00 p.m. and thereafter as and when called and shall cooperate with the investigation.

iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)