IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3657 OF 2023

Yogesh Yuvraj Giri .... Applicant

versus

State of Maharashtra .... Respondent

…….

- Mr. Pramod N. Patil a/w Ajit Hon a/w Shyamsundar Solanke i/b. PNP and Associates, Advocate for Applicant.
- Smt. M. H. Mhatre, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 02nd JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.186/2023 dated 21/03/2023 registered with Bharati Vidyapith Police Station, Pune City, under sections 323, 386 r/w 34 of the Indian Penal Code and under sections 39 and 45 of the Maharashtra Money Lending (Regulation) Act,2014.

2. Heard Mr. Pramod N. Patil, learned counsel for the Applicant and Smt. M. H. Mhatre, learned APP for the State.

3. The FIR is lodged by one Dakshata Dighe on 21/03/2023. She has stated that she and her husband had purchased one Toyota car in June 2015 by obtaining loan from a bank. After that, there was some financial difficulty faced by the informant's husband. He sought financial help from one Ashok Durekar, who in turn introduced him to the present Applicant and co-accused Yogesh Kale. The informant's husband requested for financial help. They agreed to give money at the rate of 10% interest and for that they wanted some security. The informant's husband gave their car along with the documents and keys to the Applicant and Yogesh Kale. The Applicant and Yogesh Kale gave Rs.2,70,000/-. The interest in the first month was deducted and the cash of Rs.2,42,500/- was given to the informant and her husband. After that, the informant's husband paid Rs.30,000/- as the interest. But in the third month he could not pay the interest. About 15 days thereafter, one Rane called the informant's husband and told him that the Applicant and Yogesh Kale had sold that car to him. But the car could not be transferred as the signature on the transfer form did not match with the record of the RTO. The informant and her husband met

that Rane. They paid him Rs.41,000/- which he had allegedly spent in the attempt to get that car transferred. They paid Rs.41,000/- to Rane and took back the RC book of the car. Thereafter they met the Applicant and Yogesh Kale and questioned them. The Applicant and his co-accused threatened the Applicant and her husband. According to the first informant, they had paid Rs.4,20,000/- to both the accused and had requested them to hand over the car back to them. But the car was not given. The informant's husband was called to Durekar's office. He was assaulted and threatened there. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that there is inordinate delay in lodging the FIR. The incident of assault had taken place in the year 2019. But the FIR is lodged on 21/03/2023. He submitted that the Applicant's co-accused Yogesh Kale was the car dealer and the car was with him. The Applicant had no role to play in the offence. He had acted only as a middle man. He submitted that in this background his custodial interrogation is not necessary.

5. Learned APP opposed these submissions. She produced the investigation papers before Court for perusal. She submitted that some amount has gone to the account of the present Applicant and some amount was paid to him in cash in respect of the same transaction. According to the investigation, the Applicant has received Rs.1,85,000/- and there are supporting bank statements as well as police statements of the witnesses Kadu and Chindhe. She submitted that the custodial interrogation of the Applicant is necessary. His involvement in the transaction is made out from the investigation.

6. I have considered these submissions. Though learned counsel for the Applicant has submitted that the incident of assault had taken place in the year 2019, he fairly submitted that the car is still not returned to the first informant. According to him, the car was with the co-accused Yogesh Kale. Therefore, it is not a matter of assault on the informant’s husband, but the main offence is of extortion, illegal money lending and retaining the car. There was an attempt to transfer that car by using

forged signatures. It was purportedly sold to a third person Rane. As pointed out by the learned APP, substantial amount was given to the present Applicant and there are bank transaction entries. Therefore it cannot be said that the Applicant is not involved in the present offence. From the record, it is quite clear that the informant and husband were harassed. Their car was retained illegally by the accused. The present Applicant was instrumental in the entire process. The custodial interrogation of the Applicant is also necessary. It is necessary to trace the transfer forms and the signatures thereon. It is also necessary to find out the exact nature of transaction between the accused inter se and as to how the informant and her family were deprived of possession of their car. Apart from that, the offence is also serious. Therefore, I am not inclined to grant any protection to the Applicant in the nature of anticipatory bail. The application is accordingly rejected.

(SARANG V. KOTWAL, J.)