

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

ANTICIPATORY BAIL APPLICATION NO.162 OF 2024

Shivaji Narayan Jadhav @
Shivaji Narayan Patil

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr. Aniket Nikam i/b. Amit Icham, Advocate for Applicant.
- Smt. M. H. Mhatre, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 22nd JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.649/2023, dated 14/12/2023, registered with Tasgaon Police Station, Sangli, under sections 323, 506, 109 r/w 34 of the Indian Penal Code and under section 39 and 45 of Maharashtra Money Lending (Regulations) Act, 2014.

2. Heard Mr. Aniket Nikam, learned counsel for the Applicant and Smt. M. H. Mhatre, learned APP for the State.

3. Learned APP is seeking adjournment. Considering her request, today I have heard the parties for consideration of ad-interim relief.
4. The FIR is lodged by one Nikam. He has stated that because of his financial constraints he was in need of money. He took loan of Rs.5 lakhs from the Applicant about two years before lodging of the FIR. The Applicant gave him the loan amount, but charged exorbitant interest @ 20% per month. The first informant was to pay Rs.1 lakh per month. Since the first informant had no option, he took that loan. Subsequently, the informant was harassed. According to the informant, he had paid Rs.40 lakhs. But the Applicant was demanding Rs.1,20,00,000/-. The informant had lost some amount in his Bhishi. It was to the tune of Rs.10,50,000/-. The informant was unable to pay any further amount to the Applicant. Therefore, he had concealed himself for some time. But then he decided to lodge the FIR. On this allegations, the FIR is lodged.

5. Learned counsel for the Applicant submitted that the allegations made in the FIR are entirely unsubstantiated. He invited my attention to the bank entries, which show that even in the months of September and November 2023, certain amounts was given to the informant and there is no reference to such amounts. He submitted that therefore those bank entries are contrary to the allegations made by the first informant. Thus the allegations are not true.
6. Considering these submissions, it is necessary to seek response of the investigating agency. In the meantime, the Applicant can approach the investigating agency and point out all these bank entries and he can cooperate with the investigation. The investigating agency has to verify the claim of the Applicant by enquiring with the informant. For that purpose, the Applicant can be protected for some time.
7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.649/2023, dated 14/12/2023, registered with Tasgaon Police Station, Sangli, till the next date, the Applicant is directed to be released on bail on his furnishing PR 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 05/02/2024 to 08/02/2024 between 01.00 to 05.00 p.m. and thereafter as and when called and shall cooperate with the investigation.
- (iii) This order shall operate till 27/02/2024.
- (iv) Stand over to 27/02/2024.

(SARANG V. KOTWAL, J.)