



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 299 OF 2024

Harshalsingh s/o Surendra Rajput V/s State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. V.S. Giramkar, counsel for applicant.

Mr. M.J.Khan, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 14/06/2024.

1. Apprehending the arrest at the hands of police, in connection with Crime No.139/2024 registered with Police Station Malkapur (City), Taluka Malkapur, District Buldhana for the offence punishable under Sections 294, 323, 384, 452, 506 read with Section 34 of the Indian Penal Code, the applicant approached this Court for grant of anticipatory bail.

2. As per the accusation, the husband of the complainant namely Shailesh Liladhar Rathi had borrowed the amount of Rs.5,00,000/- on 2% interest from the applicant for business purpose, after that the applicant has charged the interest @ Rs.25,000/- per month and recovered the amount of Rs. 7,50,000/- till March 2023. Thereafter also, the applicant insisting the husband of the complainant that the amount borrowed from him is still outstanding as he has only paid the interest to him. The husband of the complainant paid Rs.2,00,000/- to the

applicant in the month of April. Thereafter also, the applicant was demanding the entire amount. It is further alleged that due to said incident her brother-in-law was kidnapped and the amount was demanded in lump-sum from him. On the basis of said report police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the nature of the transaction is concerned, which is of a civil nature, no criminal offence is made out. He further invited my attention towards the fact that the alleged incident has taken place on 07/01/2023 whereas the crime is registered on 23/03/2024 i.e. after one year. The FIR lodged is an afterthought, and therefore, there is no substance in the allegation, custodial interrogation of the present applicant is not required and interim protection granted be confirmed.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that it is not a mere money transaction between the applicant and the complainant, but it is a case of money lending by the present applicant. The amount is to be recovered and therefore, his custodial interrogation is required.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers. It is apparent that there was a money-lending transaction between the applicant and the husband of the informant. Out of which, some incidents have taken place. As far as the

custodial interrogation of the present applicant is concerned, which is not required. I have also considered the subsequent statement of the complainant. Considering the statement and the investigation papers, the applicant has made out a case for grant of anticipatory bail. Accordingly, I proceed to pass the following order:

ORDER

- (a) The criminal application is allowed.
- (b) In the event of arrest, the applicant-Harshalsingh s/o Surendra Rajput in connection with Crime No.139/2024 registered with Police Station Malkapur (City), Taluka Malkapur, District Buldhana for the offence punishable under Sections 294, 323, 384, 452, 506 read with Section 34 of the Indian Penal Code, 1860 be released on anticipatory bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.
- (c) The applicant shall attend the concerned police station as and when required for the investigation purpose.
- (d) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]