



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

**CRIMINAL APPLICATION (ABA) NO. 775/2023**

Bhushan Dinkar Verulkar and others Vs State of Maharashtra

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

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Court's or Judge's Order

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Mr. S.P. Bodalkar, counsel for the applicants.

Ms. T.H. Udeshi, APP for the non-applicant/State.

**CORAM : URMILA JOSHI-PHALKE, J.**

**DATED : 18/01/2024.**

1. The applicants, who are the office bearers of Shriram Finance Company Limited, who arraigned as accused in respect of Crime No. 631/23 registered with Kanhan Police Station, District Nagpur Rural, for the offence punishable under Sections 120-B, 294, 389, 391, 395, 506 read with Section 34 of the Indian Penal Code, 1860.

2. The accusations against the present applicants on the basis of report lodged by one Rohit Siddharth Manwatkar. He alleged that on 14/7/2023, when he was returning back by bus, he received a phone call of one Vicky Ukey who informed him that his Two Wheeler Activa is taken by 2 to 3 persons. It is further stated by him in the FIR that he has purchased the said two wheeler by obtaining the loan from the Shriram Finance Company. As he has not deposited the amount towards the said loan, his vehicle was taken by these

persons forcefully, on the basis of said report, police have registered the crime against the present applicants.

3. The applicant No.1 is the Senior Chief Branch Manager of Shriram Finance Company, whereas the applicant Nos. 2 and 3 are the Service Recovery Executive of Shriram Finance Limited.

4. The learned counsel for the applicants submitted that as far as the offences under Sections 294, 389, 391, 395 are concerned, which are not attracted against the present applicants. The conduct of the complainant is also requires to be seen, who has obtained the loan and has not deposited the same. The applicants were not present at the seen of occurrence when the vehicle was taken by the persons. So, there is no direct involvement of the present applicants and therefore, they be protected by granting anticipatory bail, in the event of their arrest.

5. The said application is strongly opposed by the State. The learned APP submitted that though complainant has obtained the loan for purchase of the vehicle, but the Officers of the Shriram Finance Company Limited cannot take law in their hand, there are other ways to recover the loan amount. The vehicle was taken on the directions of the present applicants forcibly. In view of that, prima-facie case is made out against the present applicants and bail application deserves to be rejected.

6. Having heard learned counsel for the applicants and learned APP for the State, perused the recitals of the FIR. Admittedly, the applicant No.1 is not concerned with the recovery of the loan amount, he is the Senior Chief Branch Manager. However, the applicant Nos. 2 and 3 are concerned, the duty assigned to them, in respect of recovery and they are working as a recovery executives.

7. From the recitals of the FIR itself shows that on the basis of directions issued by the applicant Nos. 2 and 3, vehicles was forcefully taken by the other persons. Thus, involvement of the applicant Nos. 2 and 3 reveals from the FIR as far as the applicant No.1 is concerned, there is no direct involvement in the alleged incident. Therefore, applicant No.1- Bhushan Dinkar Verulkar, his prayer for ad-interim protection can be considered. On the other hand, the applicant Nos. 2 and 3, who have taken the law in their hand and illegally recover the loan amount the act was committed which is not helpful in the above facts and circumstances of the case. In view of that, their prayer for grant of anticipatory bail deserves to be rejected. Accordingly, I proceed to pass following order:

- a) The criminal application is **partly allowed**.
- b) The applicant No.1- Bhushan Dinkar Verulkar, in the event of his arrest, in connection with Crime No. 631/2023, registered with Police Station Kanhan , District Nagpur Rural for the

offences punishable under Sections 120(B), 294, 389, 391, 395 and 506 read with Section 34 of the Indian Penal Code, 1860, is released on anticipatory bail, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- c) The applicant No.1 shall attend the concerned Police Station as and when required for the investigation purpose.
- d) The applicant No.1 shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- e) The prayer for applicant Nos. 2 and 3 for grant of anticipatory bail deserves to be rejected.

**[URMILA JOSHI-PHALKE, J.]**