

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.737/2025

AKSHAY @ SHITU CHANDRAKANT
CHOUKHANDE
VS
STATE OF MAHARASHTRA

...APPLICANT

...RESPONDENT

...
Adv. Umesh Mankapure i/b Ashraf Ali Shaikh a/w Abrar Bagwan for the
Applicant.

Adv. Avinash Naik, APP for the State.

API Deepak Wakchaure, Jejuri Police Station.

...

CORAM : RAJESH S. PATIL, J.

DATED : MARCH 21, 2025

P.C.:

1. The applicant is seeking pre-arrest bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with C. R. No. 442/2024 registered with Jejuri Police Station for the offences punishable under Sections 332(A), 308(2), 309(4), 352, 351(2), 351(3) and 3(5) of Bharatiya Nyana Sanhita, 2023 and under Sections 39, 45 and 46 of the Maharashtra Money Lending (Regulation) Act.

2. In the complaint which is forming part of the FIR, the role of the present applicant has been mentioned.

3. Mr. Mankapure, learned counsel for the applicant submits that in total, there were 7 accused out of which, against two accused,

closure statements have been filed under Section 169 of the Cr.P.C. Three accused have been arrested and they have been released on bail. One accused is absconding. He submits that the victim had consumed poison and after two days, he was discharged from the hospital. The son of the victim has lodged the FIR and after two days, a supplementary statement was recorded wherein, Section 308 of Bharatiya Nyana Sanhita, 2023 has been added. He submits that the father of the complainant had taken loans from various persons. That fact has been mentioned in the complaint. It is further mentioned in the complaint that, the father of the complainant was under tremendous mental depression as the persons from whom he had taken loan were seeking recovery of their loans. He submits that charge-sheet has already been filed against five accused persons. Therefore, the investigation is completed and hence, the custody of the present applicant is not at all necessary. To buttress his submission, he relied upon the following judgments.

(i) Ratnabai Ratu Bheemashankar Chitte vs. The State of Maharashtra And Ors.¹

(ii) Mandubai Vitthoba Pawar vs. The State of Maharashtra And Ors.²

4. The learned APP submits that the victim has specifically mentioned the role of the present applicant. One of the accused has

1 [passed by the High Court of Bombay Bench at Aurangabad in Cri. Application No.2909/2022 dt 23rd September, 2024]

2 [2015 SCC OnLine Bom 4935]

been absconding. Due to the harassment of the accused persons, the victim had consumed poison. A day before incident occurred, two calls were made by the present applicant to the victim. The victim was not able to handle the pressure and made an attempt to commit suicide. The diary of the victim specifically mentions about the blank cheques as security lying with the present applicant. The custody of the present applicant is necessary in order to complete the investigation though the charge-sheet has already been filed.

5. I have heard both sides and have gone through the documents on record. Admittedly, the victim had taken loans from various persons including the Applicant. In the FIR, details of such loans have been mentioned in the complaint. So also, the FIR records that the victim was under tremendous pressure as he was able to repay the loan amount. The prosecution has already filed a closure statements under Section 169 of Cr.PC. against two accused persons. Charge-sheet has already been filed which in short would mean that the investigation is completed. Three of the arrested accused have been granted bail. Only one accused is absconding as of now.

6. Mr. Malkapure has referred to two judgments passed by the Division Bench of this Court. Though both the judgments are passed in quashing, it is pertinent to note that while considering the provisions of Section 39 of the Maharashtra Money Lending (Regulation) Act, in

quashing proceedings, petitions the division bench of this Court has come to a finding that a one single transaction would not make the applicant liable under the Maharashtra Money Lending (Regulation) Act. The ratio of both judgments are squarely applicable to the present proceeding.

7. Mr. Mankapure also voluntarily made a statement that the applicant does not have any blank cheques of the victim. And in any case, as per allegation of the complainant, if the cheques of the victim are with the applicant, those cheques would not be put to use by the applicant. The statement made by Mr. Mankapure on behalf of the applicant is accepted as undertaking made to this Court. Therefore, according to me, the case is made out to grant pre-arrest bail to the present applicant. Hence, I pass the following order :

ORDER

(i) **Anticipatory Bail Application is allowed.**

(ii) The applicant be released on bail in C.R. No. 442/2024 registered with Jejuri Police Station, Dist. Pune on furnishing a PR bond of the sum of Rs. 30,000/- (Thirty thousand only) and one or two sureties in the like amount to the satisfaction of the jurisdictional Court.

(iii) The applicant shall attend the police station on

26 March 2025 and 27 March 2025 between 11.00 am to 1.00 pm and thereafter as and when called for.

(iv) The applicant shall not tamper with the prosecution evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.

(v) The applicant shall furnish his contact number, E-mail id and residential address to the investigating officer and if there is any change he shall inform the investigating officer.

8. **Anticipatory Bail Application is accordingly disposed off as allowed.**

(RAJESH S. PATIL, J.)