IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.1782 of 2025

Mahesh Kundan Pardeshi
Age: 35 yrs, Occ: Farmer,
R/at Pardeshi Vasti, Waki,
Chakan, Tal-Khed, Pune. … Applicant

Versus

The State of Maharashtra
Through the Inspector of Police
Chakan Police Station, Pune. … Respondent

Mr Rohan Hogle for the applicant.
Mr Arfan Sait, APP for the respondent / State.
PSI DV Burud, Chakan police station.

Coram : R.N.Laddha, J.
Date : 2 July 2025.

P.C. :

By this application, the applicant seeks pre-arrest bail in connection with CR No.311 of 2025, registered at Chakan Police Station, Pimpri Chinchwad, for offences punishable under Section 308(5) of the Bharatiya Nyaya Sanhita, 2023, and Sections 39 and 45 of the Maharashtra Money-Lending (Regulation) Act, 2014.

2. The prosecution alleges that between 15 October 2024 and 16 May 2025, the applicant engaged in unlicensed money lending, giving a loan of Rs.3,40,000/- to the informant with interest. Despite the informant repaying Rs.5,67,000/- in full, the applicant continued to demand more money, threatening the informant's life. He also forcibly took the informant's tempo and motorcycle, stating they would be returned only upon further payment.

3. Mr Rohan Hogle, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and highlights the delay in filing the FIR, noting that the alleged incident occurred between 15 October 2024 and 16 May 2025, but was reported only on 17 May 2025. He submits that the applicant gave a one-time loan to the informant, a known acquaintance, by pledging his wife's gold to help with business and marriage expenses. This, according to the learned Counsel, does not amount to money lending as a business and claims the case is a false retaliation to avoid repaying dues. As regards the recovery of the vehicles from the applicant's premises, the learned Counsel submits that since the informant failed to repay the loan, the applicant took away the vehicles. The applicant is ready and willing to abide any bail conditions set by

this Court.

4. On the other hand, Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for pre-arrest bail, citing the serious nature of the offence. He submits that the applicant conducted illegal money lending, continued to demand money even after repayment, and threatened the informant's life. The applicant also forcibly took the informant's tempo and motorcycle, demanding more money for their return and threatening permanent loss of property. The learned APP further submits that these vehicles were recovered from the applicant and a panchanama to that effect was also drawn. The applicant has criminal antecedents, involving bodily harm, indicating a disregard for the law. Mr Sait adds that other victims are likely afraid to come forward due to intimidation. The learned APP submits that the investigation is ongoing, necessitating the applicant's custody. Should the applicant be granted pre-arrest bail, there exists a substantial risk that he would tamper with evidence and exert undue influence over potential witnesses, further obstructing the course of justice.

5. This Court has given anxious consideration to the rival

contentions and perused the records.

6. It is a settled position in law that the power to grant anticipatory bail is extraordinary and must be used with caution and discretion, based on the specific facts of each case. Unlike regular bail, it cannot be treated as a general rule. Courts must avoid a one-size-fits approach, as granting such pre-arrest bail in serious cases may affect the investigation. These aspects are also highlighted in the decision of the Hon'ble Supreme Court in *Srikant Upadhyay & Ors. Vs State of Bihar & Anr., 2024 SCC OnLine SC 282.*

7. Upon perusing the records, it appears that the applicant is accused of engaging in the unlawful activity of money lending without the requisite license, in contravention of statutory provisions governing such financial transactions. It is alleged that the applicant advanced a substantial monetary loan to the informant at an exorbitantly high interest rate. Despite the informant having duly discharged his repayment obligations, the applicant continued to demand additional sums, employing criminal intimidation, including threats to the informant's life, to extort further payments. Moreover, the applicant is accused of having unlawfully and forcibly taken possession of two

vehicles belonging to the informant.

8. The material on record *prima facie* indicates that vehicles allegedly forcibly taken away by the applicant were recovered from the applicant's premises and a panchanama has been duly drawn in respect thereof. This recovery lends substantial credence to the informant's version of events. Additionally, the applicant has criminal antecedents, particularly involving offences of physical violence. This background raises serious concerns regarding the potential for repetition of similar conduct and creates a chilling effect on other possible victims who may be reluctant to come forward due to fear of retaliation. Notably, during the course of the arguments, the learned Counsel for the applicant concedes that the applicant took away the vehicles for non-payment of the loan amount. The possibility of there being similarly circumstanced victims is also imminent. Release of the applicant on pre-arrest bail would jeopardise the course of an effective investigation. In light of the above, this Court is not inclined to exercise its discretion in favour of the applicant. As a result, the application stands rejected.

[R. N. Laddha, J.]