



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 2014 OF 2025

Mayur Alias Mahendra Bhagwan Kumbhakarn And Others

VERSUS

The State Of Maharashtra And Another

WITH CRIMINAL APPLICATION NO. 4390 OF 2025

Akshay Ashok Borhade

VERSUS

Mayur Alias Mahendra Bhagwan Kumbhakarn And Others

Mr. Ajinkya Kale i/b Talekar and Associates, Advocate for applicants in
ABA/2014/2025

Mr. R. C. Bora, Advocate for applicant in Criminal Application No.
4390/2025

Mr. P. J. Bharad, APP for respondent-State

CORAM : R. M. JOSHI, J.

DATE : 10th JUNE, 2026

PER COURT :-

1. Applicants seek bail in connection with Crime No. 0392 of 2025 registered with Rahata Police Station, Dist. Ahilyanagar, for the offences punishable under Sections 294, 323, 504, 506, 143, 147 of the Bhartiya Nyaya Sanhita and under Section 39 of the Maharashtra Money Lending (Regulation) Act, 2014.

2. First informant is a Goldsmith who lodged report on 20.10.2025 stating that on 01.11.2023, he had obtained 250 gm gold from applicant No. 1, who is also into the business of jewellers. It is his

further contention that informant had issued cheques in connection with the said transaction and it was agreed that the cheques would be returned after the transaction is completed. Informant further claims that the entire transaction was completed by June, 2025; however, the applicant No.1 failed to return the cheques as well as 20 gm gold to him. On the contrary, the applicants started pressurizing him for money. On 15.09.2025, all applicants came to the shop of the informant. They threatened the informant for payment of money. One of the applicant is said to have committed indecent act there. Informant therefore, was required to pay sum of Rs. 40,000/- which was paid online. On the basis of this information, offence came to be registered against applicants.

3. Learned Counsel for applicant submits that all other offences except for the offence under Section 39 under the Maharashtra Money Lending (Regulation) Act are bailable in nature. In so far as offence Section 39 is concerned, he submits even if case of the prosecution is accepted it would only indicate this to be an isolated incident of money lending. According to him, still the provisions of the said act would not attract to the present case. To support his submission, he placed reliance on judgment of Division Bench of this Court in case of **Mandubai Vitthoba Pawar Vs. State of Maharashtra and others 2015 SCC OnLine Bom 4935**. It is thus his submission that since the offence under Section 39 is not made out against the applicants, they are

entitled for pre-arrest bail.

4. Learned APP and learned counsel for informant opposed grant of interim relief to the applicants. They laid stress on the part of the conduct of the applicants, which according to them is captured in the CCTV footage. It is their contention that since the applicants pressurized the informant to pay an amount of Rs. 90,000/-, it amounts to extortion.

5. *Prima facie*, perusal of the record does not indicate that any evidence is collected by the Investigating Agency during the course of the investigation showing that the applicants are in the money lending business. Once there is no such evidence as held by Division Bench of this Court in case of ***Mandubai (supra)***, this Court finds substance in the contention of learned counsel for applicants that the *prima facie* offence under Section 39 of the Maharashtra Money Lending (Regulation) Act, may not get attracted to the present case. Remaining offences are bailable in nature. Apparently no offence of extortion is made out against applicant and hence, it is not involved by investigating agency.

6. As such, this Court finds no hesitation in confirming the interim relief, application stands allowed in terms of interim relief.

7. Pending criminal application, if any, stands disposed of.

(R. M. JOSHI, J.)

B. S. Joshi