IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2477 OF 2025

Uday Anandrao Malave ...Applicant
VERSUS
The State of Maharashtra and Anr. ...Respondents

Mr. Harsh Arun Khot a/w Ms. Rohinee S. Yadav i/by Mr. Nitin Nikam, Advocate for Applicant.
Ms. Veera Shinde, APP for the Respondent-State.
Mr. A.L. Shirole, (PSI), Aundh Police Station, Satara, present.

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 14th JANUARY 2026.

P.C.

1. By this application, applicant seeks anticipatory bail in Crime No.148 of 2025 registered with Aundh Police Station, Taluka Khatav, District : Satara for the offences punishable under Sections 39 and 45 of the Maharashtra Money-Lending (Regulation) Act, 2014 and Sections 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023.

2. Learned Advocate for the applicant by relying on the decision of this Court in the case of ***Mandubai Vitthoba Pawar V/s. The State of Maharashtra and Ors.***[1] submits that the applicant is not doing money lending business as there is no continuous and systematic activity of the applicant by application of labour or skill

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with a view of earning income when it could be called as "business". He submits that in order to do business of money lending, it would be necessary for the State to point out multiple activities of money lending done by the applicant. Merely referring to one isolated transaction claimed to be a loan transaction or money lending would not be enough to show that the applicant was involved in business of money lending without license. He further submits that the Sale Deed is executed between applicant and the informant and the allegations levelled by the informant against him are after thought.

3. Learned APP strenuously opposed the application submitting that towards repayment of Rs.1,00,000/- loan obtained by the informant from applicant, he has paid Rs.18,00,000/-, still his land is grabbed by the applicant by way of registered Sale Deed. The applicant has criminal antecedent. Hence, he does not deserve to be released on bail. The applicant's custody is necessary for effective investigation.

4. Heard learned Advocate for applicant and learned APP for the Respondent-State. Perused the record.

5. It is revealed during investigation that the applicant is doing money lending business in the village. He is a landlord and influential person in the village. On instructions from the Investigating Officer,

learned APP submits that the witnesses are not coming forward to give statement against the applicant because of terror created by him in the Village. Though notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 was given to him, he has not attended the police station and co-operated in the investigation. It appears that the informant and his family members are terrorized by the applicant.

6. The applicant had given loan of Rs.20,000/- at the rate of 10% interest per month to one to Prasad Ramdas Umape, aged 24 years. Because of the harassment of applicant, the said boy has committed suicide and the offence is registered against the applicant at Crime No.153 of 2025 with Aundh Police Station for the offences punishable under Sections 108, 126(2), 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023, Sections 3(2)(va), 3(1)(r), 3(1)(s), 3(1)(y) of the Scheduled Castes and the Schedules Tribes (Prevention of Atrocities) Act, 1989 and Sections 39 and 45 of the Maharashtra Money-Lending (Regulation) Act, 2014.

7. The decision in ***Mandubai Vitthoba Pawar (Supra)*** is rendered in different facts. In the case in hand, this is not an isolated incident of money lending. Therefore, the said citation is of no help to the case of the applicant.

8. Considering the gravity of the offence, custodial interrogation of the applicant is necessary for effective investigation. No case is made out by the applicant to exercise discretion in his favour. The application being devoid of merit, is dismissed.

(NITIN B. SURYAWANSHI, J.)