IN THE HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 846 OF 2025

Sau. Roshani Nirmalkumar Sharma
Vs.
State of Maharashtra

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

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Shri G. N. Khanzode, Advocate for applicant.
Ms. D. V. Sapkal, APP for non-applicant/State.

CORAM :- M. W. CHANDWANI, J.

DATED :- 27.01.2026

Heard.

2. The applicant seeks anticipatory bail in connection with Crime No. 504/2025 for the offences punishable under Sections 329, 126, 296, 351(2), 3(5) of the Bhartiya Nyaya Sanhita (BNS), 2023 r/w. Section 39 and 45 of the Maharashtra Money-Lending (Regulation) Act, 2014 registered with Police Station Ambazari, Nagpur.

3. It is alleged that the applicant is indulged in the business of money lending. Due to the money lent by the applicant to the complainant, the applicant got a notarized Sale-Deed of the house of the complainant executed on 28.06.2024. Therefore, the aforesaid offence came to be registered against the applicant on the complaint made by the borrower namely Durga Rajkumar

Pandare on the ground that the applicant has played fraud on the complainant by misrepresenting that the Notary is for security in exchange of the loan.

4. It appears that the so called document i.e. notarized Sale-Deed of the house has been executed. The contention of the complainant is that it was executed by misleading her to believe that it is executed as security of the money lent to her.

5. The contention of the learned APP is that the applicant has forcefully executed the Sale-Deed and she is doing the business of money lending without holding a valid license.

6. It appears that the applicant had issued notice dated 13.08.2025 to the complainant not to disturb her possession over the possession of the house which was allegedly handed over to the applicant by the complainant herself. The offences alleged under the BNS are bailable. It appears that Section 39 of the Maharashtra Money-Lending (Regulation) Act, 2014 has been slapped by the Police which prescribes a punishment for five years.

7. I do not see force in the argument of the learned APP that details like where the document is prepared are to be identified, which can only be possible by custodial interrogation for the simple reason that the complainant herself has came up with a case of forceful execution of the Sale-Deed. Therefore, all the details may

be available with the complainant herself. The applicant is a lady. Considering the nature of the allegations, custodial interrogation of the applicant may not be required.

8. Considering the allegations against the present applicant and the punishment prescribed for the offences, a case is made out for grant of anticipatory bail.

9. Hence, the *ad-interim* protection dated 12.11.2025 granted by this Court is hereby confirmed.

10. The applicant shall appear before the concerned Police Station as and when directed and shall co-operate in the investigation.

11. The application is disposed of.

(M. W. CHANDWANI, J.)