2026:BHC-NAG:6365

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

CRIMINAL APPLICATION (ABA) NO. 984 OF 2025

Santosh s/o Shriram Ahir **Vs** State of Maharashtra

WITH

CRIMINAL APPLICATION (ABA) NO. 985 OF 2025

Manohar s/o Aditmal Kruplani and Anr **Vs** State of Maharashtra

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. A.S. Mardikar, Senior Counsel a/b Mr. V.R. Deshpande, counsel for applicants.
Ms. M.R. Kavimandan, APP for non-applicant/State.
Mr. N.R.Tekade, counsel for Assist to Prosecution.

CORAM: RAJNISH R. VYAS, J.

DATED : 23/04/2026

1. Heard.

2. Apprehending arrest in connection with Crime No. 998 of 2025 dated 28/11/2025 registered with Police Station Khadan, Akola Tah. and District Akola for the offence punishable under Section 39 of the Maharashtra Money Lending Regulation Act, 2014, the applicants have approached this Court.

3. The informant is one Harish Parwani, who had lodged a complaint with the authority appointed under the Maharashtra Money-Lending (Regulation) Act, 2014. He claims to be a victim of an illegal money-lending transaction carried out by the applicants. The complaint submitted by the informant resulted into the initiation of proceedings and finally an order was passed under Section

16 of the Maharashtra Money-Lending (Regulation) Act, 2014 by the Inquiry Officer/Assistant Registrar (Administration), Akola.

4. In a detailed inquiry report, it is contended that when a house search of the applicants was made, several incriminating materials were found. Documents in a form of blank cheques, agreement to sell, diaries, and agreements to sell were also found. The Inquiry Officer came to the conclusion that the applicants were dealing in money-lending transactions. This inquiry report triggered registration of the FIR in which the present applicants have prayed for anticipatory bail.

5. Total three accused were named in the First Information Report. In ABA No. 985/2025, applicants are Manohar s/o Aditmal Kruplani and Dinesh s/o Manohar Kriplani, who are original accused Nos. 1 and 2. In ABA No. 984/2025, the applicant is Santosh s/o Shriram Ahir, who is original accused No.3.

6. The learned Senior Counsel Mr. A.S. Mardikar, Assisted by Mr. Ved R. Deshpande, has argued that the information supplied by the said Harish to the Inquiry Officer/Authority constituted under Money Lending Act was striking example of counterblast and abuse of process of law. According to the learned Senior Counsel, Summary Criminal Case 8766/2018 was filed by one of the applicants against the informant Harish, praying for prosecuting and punishing him for commission of offence

punishable under Section 138 of the Negotiable Instruments Act. The said complaint was filed in the year 2018, and in order to raise various defences in the said proceedings, a complaint dated 03/01/2024 was filed by Harish before the authority constituted under the Maharashtra Money-Lending (Regulation) Act, 2014. According to him, the entire incriminating material has already been seized and the applicants have attended the concerned police station as directed by this Court while granting ad-interim anticipatory bail. He thus prayed that applications be allowed.

6. The learned Senior Counsel has also relied upon the judgment passed by the Hon'ble Apex Court in the case of ***Rajeshbhai Muljibhai Patel and others Vs State of Gujarat and another reported in (2020) 3 SCC 794*** and argued that the moment a cheque is issued and signature is not disputed, it would be a matter of trial whether the cheques were given towards discharge of legally enforceable debt or not. Relying upon the law laid down, he has argued in the said case, the accused against whom a complaint under Section 138 of the Negotiable Instruments Act was filed, had approached the Hon'ble High Court praying for quashment of the criminal proceedings on the ground that there was no legally enforceable debt. The application was allowed by the Hon'ble High Court and the proceedings were quashed against the accused. The complainant then approached the Hon'ble Apex Court challenging the order passed by the Hon'ble High Court quashing the complaint under Section

138 of the Negotiable Instruments Act. The Hon'ble Apex Court then observed that the nature of presumption under Section 139 of Negotiable Instruments Act and Section 118 (a) of the Evidence Act are rebuttable and the burden is upon the accused to rebut the presumption. The order passed by the High Court was then set aside and the criminal proceeding was allowed to be continued. Taking support from the observations of the Hon'ble Apex Court, he argued that defences, if any, can be raised during the trial.

7. Per contra, the learned APP and learned counsel for the complainant have contended that the inquiry report is categorically states that the applicants were involved in the illegal business of money lending transactions. Several documents, including blank stamp papers, were also seized, so also the agreement to sell. They, therefore, contended that irrespective of the fact that the report submitted by the Inquiry Officer is challenged before the Appellate Authority, the custodial interrogation of the applicants is required.

8. With the assistance of the respective counsels, I have gone through the record of the case. It is not disputed that against the informant Harish, one of the applicants had filed a complaint under Section 138 of the Negotiable Instruments Act. It is also not in dispute that the said complaint was lodged in the year 2018, whereas the complaint filed by said Harish to the Inquiry Officer / Authority under the Maharashtra Money-Lending

(Regulation) Act, 2014 was filed in the year 2024. Thus, prima-facie shows that it is after initiation of prosecution against him that he approached the authorities under the Maharashtra Money-Lending (Regulation) Act, 2014. Further even the prosecution has not disputed that a house search was conducted and incriminating material was seized.

9. The applicants have attended the concerned police station as per directions issued by this Court, and it is not the case of the non-applicant that they did not cooperate with the investigating agency. The observations of the Hon'ble Apex Court in the case of ***Rajeshbhai Muljibhai Patel and others*** (supra) are also clear, and the informant Harish can always, by way of his defence, take an appropriate stand in the criminal prosecution initiated against him. Considering the delay in lodgment of the FIR and the fact that the inquiry report is challenged before the Appellate Authority, I am inclined to pass the following order.

<u>ORDER</u>

a] The criminal applications are **allowed**.

b] In the event of arrest, in connection with Crime No. 998 of 2025 dated 28/11/2025 registered with Police Station Khadan, Akola Tah. and District Akola for the offence punishable under Section 39 of the Maharashtra Money Lending Regulation Act, 2014, the applicant in **Criminal Application (ABA) No. 984 of 2025** (**Santosh s/o Shriram Ahir**) **and the applicant in Criminal Application (ABA) No. 985 of 2025 (1) Manohar s/o Aditmal Kruplani (2) Dinesh s/o Manohar Kriplani,** be released on bail on furnishing a P.R. Bond of Rs.50,000/-(Rupees-Fifty Thousand only) each with one solvent surety in the like amount.

c] The applicants shall attend the concerned Police Station as and when required by the Investigating Officer.

d] The applicants shall cooperate with the investigating agency and shall not tamper with the prosecution evidence or influence the witnesses.

e] The applicants shall not leave India without prior permission of this Court.

(RAJNISH R. VYAS, J.)

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