

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO.1498 OF 2024**

Hemant Vishwas More & Anr. : Applicants

Vs.

The State of Maharashtra : Respondent

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Adv. Sumedh S. Modak, for the Applicants.

Adv. Babu V. Holmabe Patil, APP for the Respondent/State.  
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**CORAM : KISHORE C. SANT, J.**  
**DATE : 31<sup>st</sup> MAY, 2024**  
**[VACATION COURT]**

**P.C. :**

1. Issue notice to Respondent, returnable on 14<sup>th</sup> June, 2024.
2. Learned APP waives notice for Respondent/State.
3. The Applicants in this case are the doctors running hospital at Khadakpada, Kalyan. They obtained loan from Co-operative bank. There was failure to pay the loan. The Bank therefore taken out recovery proceedings and even obtained 101 certificate under the Maharashtra Co-operative Societies Act. It is reported that the same is set aside by this Court in Writ Petition No.3187 of 2023. It is alleged that when the bank officers went to the hospital for recovery, they were illegally confined in the hospital and they were stopped from taking action against the hospital. The main allegations are against the staff of

the hospital. The Applicant No.1 was not present. The Applicant No.2 was present in the hospital. However, no specific overt act is alleged against her.

4. Learned Advocate for the Applicants submits that the FIR is lodged only to bring pressure on the Applicants for recovery of the loan amount. The recovery certificate under Section 101 is already set aside by this Court in Writ Petition No.3187 of 2023. Failing in recovery proceeding now the bank has lodged the complaint. In fact no case is made out of wrongful confinement & under Section 353 of the Indian Penal Code.

5. Learned APP submits that the Applicants to avoid payment of loan did not allow the bank officers to proceed with the recovery when the employees of the bank went to the hospital they were wrongfully confined. The allegations are serious. He submits that the Applicants do not deserve any relief.

6. The Applicants are medical professions and that the recovery certificate against them is already set aside by this Court. The bank officers along with employees went for recovery of the loan to the hospital of the Applicants. Looking to the FIR it is seen that there is no active role played by Applicant Nos.1 & 2 *prima facie*. Hence following order.

**ORDER**

- (a) Till the next date, in the event of arrest of the Applicants in connection with FIR No.439 of 2024, registered with Khadakpad Police Station, Kalyan, Dist. Thane for the offences punishable under Section 342, 353 & 34 of the Indian Penal Code, 1860, They shall be released on bail on furnishing PR. Bond and solvent surety in the sum of Rs.15,000/-.
- (b) The Applicants shall not try to influence the investigation and co-operate with the investigating officer. The Applicants not to tamper with evidence and not try to pressurize any of the witnesses.
- (c) The Applicants shall attend the concerned Police Station as and when called for.
- (d) The Applicants shall keep informed to concerned Police Station about their residential address, mobile number etc., and other contact details.

**(KISHORE C. SANT, J.)**