

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

CRIMINAL APPLICATION (ABA) NO.438/2015

**(Mohd. Ashraf Mohd. Daud..vs..State of Maharashtra, through PSO Lonar, P. S.
Lonar, dist. Buldana)**

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A. J. Thakkar, Advocate for applicant.
Ms T. Udeshi, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATE : SEPTEMBER 8, 2015.

Heard Mr. A. J. Thakkar, Advocate for applicant and Ms T. Udeshi, learned A.P.P. for the State.

The applicant is facing charge for the offence punishable under Section 420, 120 (B), 239 (B) (C) read with Section 34 of the Indian Penal Code and Section 3 (2) (3) of the Prevention of Eradication of Human Sacrifice and Other Inhuman Evil and Aghory Practices and Black Magic Act, 2013 and Sections 9, 39, 44 and 49 of the Indian Protection of Wild Life Act, 1972 in Crime No. 102/2015 registered with Police Station Lonar, Dist Buldana.

Suhail Sharma is Dy. S. P. Mehkar Division, lodged a report that he got an information that in the agriculture field of co-accused Janardhan,

some persons are spreading a news that they are bestowed with divine powers and due to the said divine power, they, with the help of Nagdevta i.e. Snake God, could shower rains of money and on that pretext, they are collecting moneys. Insofar as the role attributed to the present applicant is concerned, in the investigation it is revealed that he has supplied Suvarnabhasma Ayurvedic Powder worth Rs.50,000/- for 10 gm for the said purpose.

The court cannot be oblivious of the fact what is happening in the society. The innocent, rustic people, who are the easiest prey of such unscrupulous persons like the applicant.

The learned counsel for the applicant submits that the charge-sheet is already filed and, therefore, there is no harm in granting anticipatory bail to the present applicant.

It cannot be said that merely because charge-sheet is filed, the applicant is entitled for the relief of anticipatory bail. Further, merely because the charge-sheet is filed, it is not sufficient even to grant regular bail to the applicant unless the case is evaluated on its own merits. The FIR shows that even the fake notes were circulated by the accused persons to the members of the gathering who gathered there to see the shower of money upon them by the coaccused. In my opinion, in the present

matter custodial presence of the applicant is absolutely essential.

Hence, the present application is required to be rejected and it is rejected accordingly.

JUDGE

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