

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

ANTICIPATORY BAIL APPLICATION NO. 852 OF 2018
with
CRIMINAL APPLICATION NO. 670 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO. 852 OF 2018

Vijaya Tukaram Koli

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Ashok Tajane for the Applicant in ABA/852/2018.

Ms. Rati Sinhusane I/b. Mr. Umesh Mankapure for the Intervenor in
APPP/670/2018.

Mrs. J.S.Lohokare, APP for the State.

Mr. S.S.Kinshi, Police Head Constable, Pandharpur Taluka P.Stn.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : SEPTEMBER 21, 2018.

P.C.

1. This is an application under Section 438 of Cr.P.C. filed by the applicant apprehending her arrest in Crime No. 169 of 2018 registered with Pandharpur Taluka Police Station for offences under Section 420, 506 r/w. 34 of Indian Penal Code and under Section 3(2) of the Maharashtra Prevention and Eradication of Human Sacrifice and other in Human, Evil

and Aghori Practices and Black Magic Act, 2013.

2. Heard Mr. Tajane learned Counsel for the applicant, Ms. Sinhusane, the learned Counsel for the Intervenor and the learned APP for the State.

3. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties.

4. The aforesaid crime was registered pursuant to the FIR lodged by Sachin Vithal Karande. A perusal of the FIR prima facie reveals that Tukaram Koli, the husband of the applicant had introduced the first informant and Anil Zunjar to one Sarjerao Sawant and Madan Maharaj. It is alleged that said Sarjerao Sawant and Madan Maharaj had assured them to give 20 crores of rupees. They were informed that they had to perform a pooja and spend Rs.50 lakhs in order to get the amount of Rs.20 Crores. The complainant had stated that from 25.10.2012 to 23.11.2014 they had performed poojas and spent total amount of Rs.24 lakhs for getting Rs.20 Crores. The husband of the applicant and the other two persons did not get 20 Crores of rupees as assured and that they also did not refund the money. Hence, the first informant lodged a report against the applicant, her husband and the said two persons for abetting them and for threatening to cause his death.

5. It is to be noted that the first information report was lodged in the year 2018 when the incident had allegedly taken place between 2012 to 2014. Prima facie, there is considerable delay in filing the complaint. The FIR does not disclose any justifiable reasons for the delay in lodging the FIR. It is also to be noted that this applicant was granted interim bail by order dated 2nd May, 2018 and she was directed to report to the Investigating Officer. It is stated that the applicant has already complied with the said condition and that she has already been interrogated. The chargesheet is also filed and hence the presence of the applicant is not required for the purpose of interrogation or investigation. It is also brought to my notice that the co-accused have already been released on bail.

6. Considering the above facts and circumstances, this is a fit case for granting bail. Hence the application is allowed on the following terms and conditions:

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in Crime No. 169 of 2018 registered with Pandharpur Police Station, the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive

Thousand Only) with one or two solvent sureties in the like amount.

(iii) The applicant shall provide her permanent as well as temporary address, if any, and her contact details to the Investigating Officer.

(iv) The applicant shall not change her residential address without prior intimation to the Investigation Officer.

. In view of disposal of the Anticipatory Bail Application, Application for Intervention being Criminal Application 670 of 2018 does not survive, and the same is accordingly disposed of.

Prasanna
Pradeep
Salgaonkar

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signed by
Prasanna
Pradeep
Salgaonkar
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(ANUJA PRABHUDESSAI, J.)