

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

BAIL APPLICATION NO.2851 OF 2019

1) Kisan Gangaram Joshi;
2) Digamber Uttam Joshi .. Applicants

Vs.
State of Maharashtra .. Respondent

.....
Ms.Pravada Raut i/b. Ms.Shradha Sawant, Advocate for the
Applicants.

Mr.H.J. Dedhia, APP for the Respondent – State.

.....

CORAM : PRAKASH D. NAIK, J.

DATED : DECEMBER 20, 2019.

P.C. :

The applicants were arrested on 6th June, 2019 in connection with C.R.No.343 of 2019, registered with Shahupuri Police Station, Kolhapur, for the offence punishable under Section 420 of Indian Penal Code and Section 2 (1)(B) of The Maharashtra Prevention of Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013 (“Said Act”, for short).

2 The prosecution case is that on 5th June, 2019, the

complainant saw hoarding which read that one Swami Maharaj has come to Kolhapur and residing in hotel Kohinoor Square. It was also mentioned that the Swami can solve several problems through astrology and palmistry etc. The complainant inquired about the Swami and found that he was advising and also providing medicines to women. The applicant parted sum of Rs.5000/-. Applicant no.2 was assistant of the Swami.

3 The investigation is completed and charge-sheet is filed. The applicant had preferred an application for bail before the Sessions Court, which has been rejected. It is submitted that applicant no.1 is 71 years old person. There are no other criminal antecedents against the applicants. Further custody of the applicants is not necessary as investigation is already completed and charge - sheet is filed.

4 Learned APP submitted that the applicants are residents of Jalgaon district and they may be directed to provide the documents relating to the permanent place of residence.

5 It is noted that the applicants are in custody from 6th June, 2019. Charge-sheet is filed after completing investigation.

Undisputedly, there are no criminal antecedents against the applicants. Applicant no.1 is senior citizen aged about 71 years. Further detention of the applicants is not warranted. Hence, case for grant of bail is made out.

6 Hence, I pass the following order:

:: O R D E R ::

- (i) Bail Application No.2851 of 2019, is allowed;
- (ii) The Applicants are directed to be released on bail in connection with C.R.No.343 of 2019, registered with Shahupuri Police Station, Kolhapur, on their executing P.R. Bond in the sum of Rs.25,000/-, each, with one or more sureties in the like amount;
- (iii) Applicants shall furnish the details of their place of residence to the investigating officer after being released on bail;
- (iv) Applicants shall attend police station nearest to their place of residence once in a month on first

Saturday of the month between 10:00 a.m. to 12:00 noon, till further orders;

(v0 Applicants shall attend the trial Court on the date of hearing of the case regularly, unless exempted by the Court;

(iv) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)