

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

CRIMINAL BAIL APPLICATION NO. 2438 OF 2019

Balasaheb Narsing Mule	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Ghanasham S. Jadhav, Advocate for the Applicant.
Ms. S. S. Kaushik, APP for the State/Respondent.
Mr. Bapu Pandurang Bhujbal, HC/5667, Chandannagar Police station, present.

CORAM :SARANG V. KOTWAL, J.
DATE :07th OCTOBER, 2019

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No. 287 of 2019 registered with Chandannagar Police Station, under sections 384, 328, 376, 420, 467, 468 and 506(2) of the Indian Penal Code, (for short IPC), Section 66E, 67 and 67A of the Information Technology Act and Section 3(2) of The Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013 (for short 'Said Act').

2. The FIR is lodged on 16/07/2019. The FIR is quite lengthy and runs into number of pages. The FIR mainly is directed against the acts committed by one Aniket Pharate. It enumerates many instances when this main accused lured the first informant into performing different rituals and practices etc. There are very serious allegations against the main accused Aniket of committing rape on the informant on multiple occasions and threatening her. The main accused has obtained huge amount from her, as well. However, the applicant is not concerned with the allegations made against the main accused Aniket. There are only a few allegations against the applicant. In the FIR it is mentioned that, in the year 2015-2016 the informant's husband was admitted to Ruby Hospital for treatment. The informant's servant Khandekar suggested to her that they could perform some rituals from the present applicant for giving relief to the informant's husband. The main accused Aniket came to know about that suggestion. He took that suggestion forward and told the informant that he along with the applicant could perform some rituals and informant's husband's illness could be cured within a short time. It is alleged that the applicant

demanded and obtained Rs.80,000/- from the informant. It is her case that the main accused Aniket demanded separate amount for himself. He further told the informant that he and the applicant would perform rituals. The main accused Aniket told her that he had brought various articles for performing that ritual which included dolls, teeth of animal etc. After performing rituals there was no improvement in the informant's husband's health. The FIR thereafter describes many instances in which Aniket cheated her, obtained huge amount from her and committed rape on her. But for those acts there is no whisper in the FIR against the applicant. On this basis, the FIR was lodged against Aniket Pharate. But since there are allegations of commission of offence U/s.3(2) of the Said Act, the applicant was arrested on 18/07/2019 and since then he is in custody.

3. Heard Shri. Ghanasham Jadhav, learned counsel for the applicant and Ms. S. S. Kaushik, learned APP for the State/Respondent.

4. Learned counsel for the applicant submitted that the FIR itself shows that the informant did not make any serious

allegations against the applicant. In fact, main accused Aniket was insisting that the informant should lodge the FIR against the applicant. The informant had refused, because she had suffered loss to the tune of Rs.80,000/-, but she did not give much importance to that fact and she did not want to lodge FIR. He, therefore, submitted that since there are no allegations of commission of serious offence against the applicant, he should be granted bail. Learned APP submitted that the investigation is almost over and the charge-sheet is likely to be filed within a period of one week from today. She submitted that, it appears that the applicant was knowing the intention of the main accused Aniket and in some ways he had helped the main accused in committing the offence. She, therefore, resisted grant of bail to the applicant.

5. I have considered these submissions and I have perused the papers of investigation, which contains house search panchanama carried out on 18/07/2019, in which, some articles like lemon, black doll, snake's skin and some teeth of some animals were recovered. The applicant has indeed indulged in

practices which would be covered U/s.3(2) of the said Act. However, the informant had refused to lodge FIR against the applicant. The main accused Aniket Pharate wanted to implicate the applicant on false allegations. This itself shows, at this stage, that the applicant was not hand in glove with the main accused Aniket Pharate. The main accused had committed all these serious offences, therefore, at this stage, considering the fact that the applicant is already in custody since 18/07/2019 and the investigation is almost over, I am inclined to grant bail to the applicant with some conditions.

6. Hence, the following order :

ORDER

- (i) In connection with C.R. No. 287 of 2019 registered with Chandannagar Police Station, Pune, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

- (ii) The applicant shall attend the concerned police station once in a month for the period of one year from today.
- (iii) The applicant shall not indulge in any activities covered under the said Act in future.
- (iv) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)