

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

BAIL APPLICATION NO.3285 OF 2019

Swapnil Shatrughna Desai	.. Applicant
<i>Vs.</i>	
State of Maharashtra	.. Respondent

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Mr.Kuldeep U. Nikam, Advocate for the Applicant.
Mrs.Veera Shinde, APP for the Respondent – State.
PC Bhjbal, Chandan Nagar Police Station, Pune, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : DECEMBER 17, 2019.

P.C. :

The applicant is seeking bail in connection with C.R.No.287 of 2019, registered with Chandan Nagar Police Station, Pune City. The applicant is charged with offences punishable under Sections 384, 307, 376, 420, 467, 468 and 506(2) of Indian Penal Code (“IPC”, for short), Sections 66E, 67 and 67A of the Information Technology Act and Section 3(2) 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 FIR has lodged on 16th July, 2019. The case of the prosecution is that accused no.1 Aniket Pharate lured the informant into performing different ritual and practices under the pretext that the same would help improving health of her husband. It is alleged that accused no.1 has sexually assaulted victim. The accused no.1 had obtained huge amount from the complainant. In 2015-16, the husband of informant was admitted in Ruby hospital for treatment. The servant of informant suggested rituals to be formed by accused no.2 for relief to her husband. Both performed rituals. In July, 2016, accused no.1 prepared complaint in her name and advised her to lodge complaint to police. Accused no.1 and applicant had accompanied her to lodge complaint. Informant refused to lodge complaint against accused no.2. The accused no.2 obtained Rs.80,000/- from informant. It is alleged that accused no.1 had informed complainant that he had given 22 lakhs to accused no.2 to get amount of Rs.5 crores from parents of Sneha and Surendra Pathare. The accused no.1 informed that to arrange amount, the accused no.1 and applicant sold gold of Sneha to Jeweller and amount is deposited into accounts of accused no.1 and applicant. Accused no.1 had blackmailed her.

3 Learned counsel for the applicant submitted that the FIR itself shows that the informant did not make any serious allegations against the applicant. The main allegation is against accused no.1. Learned APP submitted that the applicant was knowing the intention of the main accused Aniket and he had helped the main accused in committing the offence.

4 I have perused the papers of investigation. The main accused had allegedly committed alleged serious acts. On perusal of charge - sheet, it is reflected that role against applicant is to the extent that certain amounts were deposited in his account received out of jewellery of Sneha who is not concerned with the case. The accused no.2 Balasaheb Mule has been granted bail by this Court, by order dated 7th October, 2019 in Bail Application No.2438 of 2019. Hence, I am inclined to grant bail to the applicant.

5 Hence, I pass the following order:

:: O R D E R ::

- (i) Bail Application No.3285 of 2019, is allowed;

- (ii) The Applicant is directed to be release on bail in in connection with C.R.No.287 of 2019, registered with Chandan Nagar Police Station, Pune City, on his executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall attend the concerned police station once in a month on first Saturday of the Month, till further orders;
- (iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)