

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3262 OF 2018**

Anil Pandhari Kamble	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Rameshwar G. Shatalwar for the Applicant

Mr. A. R. Kapadnis, A.P.P for the Respondent-State

PSI Mr. S. A. Sonawane, from Wadala TT Police Station, is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 18th JUNE 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 216 of 2018 registered with the Wadala T. T. Police Station, for the alleged offence punishable under Sections 376(d), 377, 366, 506(2) of the Indian Penal Code; under Section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act.

3 Perused the papers. According to the complainant (prosecutrix) aged 45 years, she was staying with her five children and that her husband had expired about 8 years prior. According to the complainant, she had disclosed her financial and family health problems to her neighbour, who recommended that she meet a Baba in their area. Pursuant to the recommendation, the complainant contacted the said Baba and learnt that he was Joginder Jaiswar. The said Baba asked the complainant to get some material for performing black magic, so as to remove the curse of Goddess on the family. She has stated that the said Baba called her to a lonely place near the RTO Office at Wadala T.T. at about 8:00 p.m. on 25th June 2018; that when she reached there, he took her inside the bushes, pronounced some mantras and thereafter, on the pretext that he was doing black magic, committed forcible intercourse with her. After the said act, the said Baba called the applicant to pick them up. The applicant, who was a taxi-driver, came to the spot, picked the complainant and Baba. According to the complainant, the said Baba asked the applicant to sit on the rear seat along with her and asked him to commit the same act with her. Pursuant thereto, the applicant committed forcible oral as well as natural sexual intercourse with her. The accused are, thereafter, alleged to

have forcibly given her tea and threatened her with death, if she disclosed the incident to any person. Thereafter, the aforesaid complaint was lodged by the complainant, pursuant to which, the accused were arrested. The medical history given to the doctor is consistent with the FIR. The accused had taken advantage of the complainant, who was suffering from a psychiatric disorder.

4 Considering the material on record, this is not a fit case to enlarge the applicant on bail. Accordingly, the application is rejected.

5 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.