

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

ANTICIPATORY BAIL APPLICATION NO. 1910 OF 2019

Mrs. Manisha Vidhyadhar Naik	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Paras Yadav for Applicant.

Ms. G. P. Mulekar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 21st AUGUST, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 388 of 2019 registered at Karveer Police Station, Kolhapur, under sections 406 and 420 r/w. 34 of the Indian Penal Code (for short 'IPC') and under section 3(2) of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013.

2. Heard Shri. Paras Yadav, learned counsel for the applicant and Ms. Mulekar, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is

lodged by one Jyoti Channi on 29/07/2019. She has stated that, she was residing with her husband. Their daughter was residing with the informant's brother. The informant had lost her son in an accident in the year 2013. The informant's husband was working as a Watchman. The informant was suffering from psoriasis since 2014. In between, she got acquainted with the present applicant. The present applicant called her to her house. She saw there were 7-8 unknown men and 7-8 ladies sitting in that house. The applicant was making a show that she was possessed by some supernatural power. She was taking money for performing some rituals. The minimum amount accepted by her was Rs.10000/-. The applicant told the informant that she was suffering from skin disease because of wrath of god and that she would cure her disease. She was incarnation of God.

4. In between, the informant took regular treatment from a Doctor and she was cured of her disease. After that the applicant used to call the informant to her house and under some pretext used to extract money. After some time, the informant's disease reappeared. The applicant told her that, she would perform some

rituals, for which she accepted Rs.52,000/-. They went to a religious place, but without performing any rituals they came back.

5. The informant's mother died on 13/11/2018. The informant was feeling restless. The applicant told her that her mother's ghost was troubling her and to take care of this difficulty she would have to perform some rituals. For that, again the applicant took Rs.10000/-. In all, she accepted Rs.11,000/-, Rs. 12,000/-, Rs. 20,000/- and Rs. 25,000/- on different occasions. The informant was totally under her control. The applicant told the informant that she should pay Rs.3 lakhs for purchasing a land for constructing a temple and Rs.2 lakhs for performing pooja. The informant paid that money also. After that, the informant saw that the applicant was living luxurious life and no temple was constructed. The informant realized that her money was misappropriated. The F.I.R. also mentions a reference to a document executed on a stamp paper, wherein, the applicant's husband had acknowledged receiving Rs.5 lakhs. On this basis, the F.I.R. was lodged.

6. Learned counsel for the applicant submitted that the

financial transaction was something else and it was not for construction of a temple and for performing rituals. He submitted that the applicant is a lady and she was on interim protection for quite some time. Her custodial interrogation is not necessary. He submitted that the charge-sheet against other accused is filed. The F.I.R. is lodged as an afterthought. The F.I.R. is lodged belatedly.

7. Learned APP strongly opposed this application. She submitted that the applicant has not co-operated with the investigation at all. She submitted that, besides the first informant, there are other victims whose statements are recorded during the investigation. They have also stated that the applicant was similarly extracting money from those gullible innocent people who were facing trouble in their life. Some of them are Shailesh Mane and his wife Prashanti Mane, Maya Patil and Vilas Patil. The informant's case is also supported by one Ashok Satpute who used to take the applicant and those who wanted to perform pooja to religious places.

8. I have considered these submissions. From the F.I.R. itself and from the statements of other victims in the charge-sheet,

it is quite clear that the applicant had cheated the informant, as mentioned earlier. This application includes a copy of document executed on a stamp paper mentioning that Rs.5 lakhs were received by the applicant's husband. Therefore, there is truth in the allegations of the first informant. There are other victims too. Though, the applicant was on interim relief for quite some time, she has not co-operated with the investigation. Therefore, her custodial interrogation in the facts of this case is necessary. She cannot be protected by an order of anticipatory bail.

9. The application is, therefore, rejected.

(SARANG V. KOTWAL, J.)