

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.448 OF 2021

Azeez Siraj Ahmed @ Kadribaba S/o
Mehmood Abdul Azeez

... Applicant

Versus

The State of Maharashtra

... Respondent

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Ms. Shweta Varadkar i/b. Mr. Maroof Khan, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

Mr. Mohan N. Jadhav, Police Naik, Tulinj Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 22nd FEBRUARY, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No.1096 of 2020 registered with Tulinj Police Station, Dist. Palghar, for offence under Section 420 of Indian Penal Code and Section 3 of Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013. It is alleged that complainant was subjected to physical torture and the accused took amount of Rs.88,000/-. The accused represented her that she is caught by evil spirit which he would eradicate. The complainant was tortured from 12th May, 2019. The FIR was lodged on 9th December, 2020. The complainant is a lady aged about 65 years.

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2. It is submitted that the applicant has completed diploma in coping therapy for development of alternative therapy system. The complainant's husband had two wives. The complainant is second wife. The first wife was under treatment of applicant. She was suffering from cancer. She died. Her husband filed complaint on 26th February, 2020. No cognizance was taken. Same allegations are copied in present FIR. It is submitted that the complainant has concocted story to implicate applicant. On 5th June, 2020, the applicant filed complaint to Police against complainant and others complaining about extortion and cheating. They had demanded Ten Lakhs from applicant. The demand was reduced to Rs.3,50,000/- The applicant parted 1,00,000/- to complainant and others. The applicant was pressurized to give there cheques bearing No.149626, 149627 and 149628 totally amounting to Rs.2,50,000/-. The applicants wife was forced to execute writing on stamp paper. The applicant has annexed photograph showing that complainant is counting money. The complainant's husband filed complaint under Section 138 of Negotiable Instrument Act. Cases are pending the applicant is aged about 66 years. The applicant is Bsc. graduate.

3. I have perused the documents annexed to the application. The writing executed on stamp paper at the instance of wife mentions that applicant have received Rs.3,55,000/- which will

be returned within three months and for delay interest would be charged. Cheques were handed over by applicants wife. The said document executed on stamp paper dated 14th February, 2020 also mentions that complainant has received Rs. One Lakh. According to applicant photograph annexed to application shows complainant counting money. All these circumstances and the fact that FIR was lodged thereafter on 9th December, 2020 speaks volumes of doubt about allegations. In these circumstances, applicant need not be subjected to custodial interrogation. Hence, I pass the following order:

ORDER

- (i) Anticipatory Bail Application No. 448 of 2021 is allowed;
- (ii) In the event of arrest of the applicant in connection with in C.R. No.1096 of 2020 registered with Tulinj Police Station, Dist. Palghar, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall attend the investigating officer on 1st, 2nd & 3rd March, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for.
- (iv) Anticipatory Bail Application stands disposed of accordingly.

This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)