

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

ANTICIPATORY BAIL APPLICATION NO. 1103 OF 2021

Ramesh Navasu Rathad

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Vivek Rane for Applicant.

Mr. Amit Palkar, APP for State/Respondent.

Mr. laxman K. Kalel for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 26th JULY, 2021

(Through Video Conferencing)

P.C. :

1. Leave to amend to correct the name of the applicant from Ramesh Navasu Rathod to Ramesh Navasu Rathad, is granted. Amendment shall be carried out forthwith.

2. The Applicant is seeking anticipatory bail in connection with C.R.No. 19 of 2021 registered at Mokhada Police Station, Palghar, under sections 420 read with Section 34 of the Indian Penal Code and under section 2(1), 2(D), 2 of the Maharashtra

Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013.

3. Heard Shri. Vivek Rane, learned counsel for the applicant, Shri. Amit Palkar, learned APP for the State and Shri. Laxman Kalel, learned counsel for the Respondent No.2.

4. The F.I.R. is lodged by one Ganesh Dilip Aswale on 02/03/2021. The F.I.R. describes how he was cheated by the accused including the applicant in making him part with amount of Rs. 5 lakhs. He was made to perform some rituals. On first occasion, some show was made of making the amount double. On the next occasion, he paid Rs. 5 lakhs on the promise made by the applicant of making it double. However, that amount was misappropriated. On this basis the FIR is lodged.

5. On the last occasion, i.e. on 23/04/2021, learned counsel for the applicant had voluntarily stated that the applicant was willing to deposit Rs.5 lakhs in this court within a reasonable time. He also made a categorical statement that the applicant did not have any objection if the amount is withdrawn by the first informant.

6. Learned counsel for the applicant today makes a statement that, he has already deposited Rs.5 lakhs with the Registry of this court. The office note shows that the said amount is deposited by the applicant on 09/06/2021. In this view of the matter, interim relief granted to the applicant can be confirmed. As submitted by learned counsel for the applicant, the first informant who is the Respondent No.2 here is permitted to withdraw said amount without prejudice to the rights and contentions of the parties.

7. Hence, the following order:

ORDER

- (i) In the event of his arrest in connection with C.R.No. 19 of 2021 registered at Mokhada Police Station, Palghar, the applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Respondent No.2 is permitted to withdraw the amount of Rs.5 lakhs (Rupees Five Lakhs only) deposited with the Registry of this court on behalf of the applicant on his filing an affidavit

to the effect that such withdrawal is subject to final outcome of the trial. The rights and contentions of the parties are left open.

- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)