

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1894 of 2021

Sunil Mahadeo Ghare	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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Ms.Prabha U. Badadare for the applicant.
Mrs.Rutuja Ambekar, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 27th AUGUST, 2021

P.C:-

1 The applicant is arraigned as Accused no.3 in C.R.No. 132 of 2021 registered with Dehuroad Police Station, Pune. The accusations prompted the Station Officer to invoke offence punishable under Section 406, 420 of the IPC and Section 3(1), 3(2), 3(3) of Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Practices and Black Magic Act.

2 The case of the prosecution is that the complainant's wife was suffering from Cancer and was undergoing acute treatment. It is alleged that on 1st May 2018, the present applicant along with Accused nos.1, Accused no.2, Accused no.5 came to visit the complainant. During talks, the accused no.1 expressed that he has a cure for the prolonged illness of his wife

and by some technique in form of some *tantra mantra*, he can cure the Cancer. He demanded an amount of Rs.5 lakhs. The complainant at the outset, did not trust him but it is alleged that the present applicant intervened and showed confidence in the accused no.1 and in fact, paid him an amount of Rs.25,000/- to start with the treatment. The allegation is that the complainant parted with an amount of Rs.6,50,000/- by cash and by cheques for treating his wife. However, his wife who was terminally ill was not cured by the said treatment, and succumbed to the illness.

3 he C.R. indict the applicant as Accused no.3 as the person who had given confidence to the complainant about the procedure to be undertaken by Accused no.1 and that is how he is arraigned as accused. The amount of Rs.25,000/- which was given as advance by the applicant to the accused no.1 is returned back to him.

4 When the instructions are sought from the learned APP as to whether from the amount of Rs.6,50,000/- which is received by accused no.1, any amount has been credited to the present applicant, the answer of the learned APP is in the negative. The present applicant is in relation to the complainant and *prima facie* it appear that to save the complainant's wife from the prolonged illness, he expressed his confidence and confided in the complaint that a chance can be taken with the accused no.1

who offered to treat her. However, since he is not a participant in the treatment nor any amount is received by him, *prima facie* the offences invoked in the said C.R, cannot be attributed to him. He is therefore, entitled to protection in the event of his arrest by the following order :-

ORDER

- (a) In the event of his arrest, the Applicant – Sunil Ghare in connection of C.R.No.132/21 registered with Dehuroad police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall report to the concerned police station on every Thursday between 10 am to 1.00 pm for a period of four weeks and thereafter, as and when required by the Investigating Officer.

The Application is allowed in the aforestated terms.

SMT. BHARATI DANGRE, J