

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**CRIMINAL APPLICATION (BA) NO.931 OF 2021**

(Kartarsingh @ Guddubhaiyya Chandsingh Chitodiya Vs. State of Maharashtra thr.  
PSO PS Patur, Dist. Akola)

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*Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.*

*Court's or Judge's orders.*

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Mr. M. B. Sharma, Advocate for Applicant.  
Mr. N. S. Rao, APP for Non-Applicant/State.

**CORAM: ROHIT B. DEO, J.**

**DATE: 28<sup>th</sup> SEPTEMBER, 2021.**

The applicant is accused of commission of offences punishable under sections 417 and 420 read with section 34 of the Indian Penal Code (IPC) and section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman Evil and Aghori Practices and Black Magic Act, by inducing the complainant to initially pay the applicant Rs.20,000/- (Rupees Twenty Thousand Only) and then to pay co-accused Deepak Mokalwar an amount of Rs.2,00,000/- (Rupees Two Lacs Only) as consideration for the Ayurvedic medicines.

2. The case of the prosecution is that the applicant took advantage of the gullibility of the complainant and made him believe that there is a treasure beneath in his house which if not recovered would bring bad luck. The applicant made the complainant believe that certain

rituals would have to be performed and Rs.20,000/- (Rupees Twenty Thousand Only) would be the fees. The applicant then made the complainant believe that co-accused Deepak Mokalwar is an Ayurvedic chemist and certain rare ayurvedic medicines worth Rs.2,00,000/- (Rupees Two Lacs Only) will have to be purchased from him. The case of the prosecution is that having induced the complainant to part with Rs.2,20,000/- (Rupees Two Lacs Twenty Thousand Only), as aforementioned, the applicant vanished.

3. The investigation is complete and the charge-sheet is filed. The learned counsel for the applicant emphasizes that co-accused Deepak Mokalwar is released on bail. The learned APP does point out that the applicant was absconding and could be arrested only on 21.04.2021 although the crime was registered on 05.09.2020. At least in the charge-sheet, there is nothing to show that the applicant was absconding. In any event, the apprehension of the prosecution that the applicant shall not be available to face the trial can be allayed by imposing stringent conditions.

4. Since the investigation is complete, I do not see any propriety in continuing incarceration.

5. The application is allowed.

6. The applicant be released on bail in connection with Crime 480/2020 for offences punishable under sections 417, 420 read with section 34 of Indian Penal Code and section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman Evil and Aghori Practices and Black Magic Act, on executing personal bond of Rs.16,000/- (Rupees Sixteen Thousand Only) with one solvent surety of the like amount.

7. The surety shall be a local surety of a respectable person, to the satisfaction of the jurisdictional court.

8. The applicant shall attend the jurisdictional police station on every Monday and Friday of the week from 11:00 a.m. to 01:00 p.m. and shall obtain acknowledgment of attendance in a diary separately maintained. Any breach of this condition shall *ipso facto* entail cancellation of bail, if an appropriate motion is moved by any interested person.

9. The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.

10. The applicant shall not leave the country without the permission of the trial Court.

**JUDGE**