

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

ANTICIPATORY BAIL APPLICATION NO. 2781 OF 2022

Shivanand Sharnappa Hajage	...Applicant
Versus	
State of Maharashtra	...Respondent

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Mr. Nagesh Chavan for the Applicant.
Ms. M.M. Deshmukh, APP for the State.

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CORAM : N.R. BORKAR, J.
DATED : 18 OCTOBER 2022

P.C. :-

1. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail.

2. The applicant is apprehending his arrest in Crime No.237 of 2022 registered at Sangli Rural Police Station for the offences punishable under Sections 406, 420 r/w. 34 of the Indian Penal Code and under Section 3(2) and 3(3) of Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013.

3. It is the case of the prosecution that accused No.2 Shankar Jadhav Maharaj was introduced to the complainant by the present applicant. According to the complainant, the accused No.2 represented to him that

he has divine powers and he would make him rich, if he is paid Rs. 15 Lakhs for purchasing necessary material. It is alleged that on the instructions of accused No.2, he paid Rs. 15 Lakhs to the other co-accused in the crime. According to the complainant, later on he realized that it was fraud played on him and he was cheated.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned counsel for the applicant submits that the applicant is aged about 70 years and suffering from cancer. There are no allegations that the present applicant has received any amount from the other co-accused. Nothing is to be recovered from the applicant and therefore, his custodial interrogation is not necessary. It is submitted that there are no criminal antecedents. It is submitted that considering these facts and circumstances, the applicant be granted anticipatory bail.

6. On the other hand, the learned APP submits that considering the nature of the offence, the applicant may not be granted anticipatory bail.

7. The applicant has produced on record the medical case papers to show that he is suffering from cancer. Except the allegation that accused No.2 was introduced to the complainant by the present applicant, all other allegations are against co-accused. It appears that nothing is to be recovered at the instance of the applicant and therefore, his custodial

interrogation is not necessary.

8. Considering the above facts and circumstances, I am inclined to grant anticipatory bail to the present applicant. Hence, the following order:

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant-Shivanand Sharnappa Hajage in connection with Crime No.237 of 2022 registered at Sangli Rural Police Station for the offences punishable under Sections 406, 420 r/w. 34 of the Indian Penal Code and under Section 3(2) and 3(3) of Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station on every alternate day from 26th October, 2022 for a period of two weeks between 11.00 a.m. to 02.00 p.m. and thereafter as and when called and shall co-operate in the investigation.
- (iv) The applicant shall not give any threat or inducement to any of the prosecution witnesses.

(N.R. BORKAR, J.)