

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 775 OF 2022

Shubhangi Surendra Magare ..Applicant

V/s.

The State of Maharashtra ..Respondent

Mr. Prashant Patil for the Applicant.

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

CORAM : C.V. BHADANG, J.

DATE : 23 MARCH 2022

P.C.

1. The Applicant who is co-accused apprehending her arrest, in connection with the investigation of Crime No.132 of 2021 registered with Dehuroad Police Station, Dist. Pune, under Section 420 and 406 of IPC and Section 3 (1)(2) and (3) of the Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013 is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 15.03.2021 lodged by Arjun Kalekar. The wife of the informant was suffering from cancer and had undergone prolonged treatment. The allegation is that the accused no.1

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represented the informant that by way of some magic remedy (*tantra-mantra*), the wife of the informant can be cured and on such assurance an amount of Rs.6,50,000/- was parted with by the informant. However, unfortunately, the magic remedy did not work and the wife of the informant expired.

2. Be that as it may. The allegation insofar as the present Applicant is concerned is that she had also induced the complainant to go for the magic remedy saying that the wife of the complainant has a short time left.

3. Heard the learned counsel for the parties. Perused record.

4. The learned counsel for the Applicant submitted that co-accused Sunil Ghare (accused No.3) as well as accused No.4 have been released on anticipatory bail. The order dated 27.08.2021 by which this Court has granted anticipatory bail to co-accused Sunil Ghare in Bail Application No. 1894 of 2021 is produced on record. It is submitted that the Applicant is a house wife without any criminal antecedents and the only role attributed is that she also induced the informant along with co-accused to go for the magic remedy.

5. It is submitted that the allegation insofar as the receipt of amount of Rs.1,50,000/- by the Applicant is concerned, the informant says that it was paid in cash, which cannot be accepted,

as the amount was paid by the complainant to the accused No.1 and the accused No.6 by cheques.

6. The learned counsel for the Applicant on instructions states that without prejudice to the contention, the Applicant shall deposit Rs.1,50,000/- within 4 weeks from today. The statement so made is accepted.

7. The learned APP has submitted that the investigation is in progress and custodial interrogation of the Applicant is necessary.

8. I have considered the circumstances and the submissions made.

9. The nature of the allegations do not require any recovery or custodial interrogation. The Applicant in my considered view can be directed to join the investigation. Admittedly, even according to the informant, the main inducement was offered by accused No.1.

10. In the result, the following order is passed:

ORDER

i) In the event of her arrest, in connection with the investigation of Crime No.132 of 2021 registered with Dehuroad Police Station, Dist. Pune, the Applicant **Shubhangi Surendra Magare** shall be released on bail on executing a PR Bond in the

sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.

iii) The Applicant shall deposit an amount of Rs.1,50,000/- before the concerned Magistrate within four weeks from today. This shall be without prejudice to the rival contentions of the parties.

iv) In the event of breach of any of the conditions, the bail shall stand cancelled without reference to the Court.

v) The criminal application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)