

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1886 OF 2022**

Rajendra Balram Kanna ...Applicant

Versus

The State of Maharashtra ...Respondent

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Ms Pushpa Ganediwala i/b Mr. Aashish Satpute for the Applicant.

Mr. P.H. Gaikwad, APP for the State.

Mr. Pralhad Dongale, PSI Khadak Police Station, Present.

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CORAM : N.R. BORKAR, J.

DATED : 6 DECEMBER 2022

P.C. :-

This is an application under Section 439 of the Code of Criminal Procedure.

2. The applicant came to be arrested in Crime No. 30 of 2022 registered at Khadak police station for the offences punishable under Sections 420, 354-A, 506 of the Indian Penal Code and Section 3 of Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman Evil and Aghori Practice and Black Magic Act, 2013.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. According to the prosecution, in the year 2018 the

mother of the complainant fell ill and inspite of medical treatment, she was not getting well. It is alleged that the complainant during the said period came in the contact of the present applicant who told him that he has divine powers and he can cure his mother. It is alleged that on the said pretext the present applicant extracted the amount of Rs.50,30,000/- from the complainant.

5. The learned counsel for the applicant submits that the case of the prosecution is not consistent. It is submitted that all the offences are triable by the Magistrate and the applicant is in jail for more than 10 months. It is submitted that further detention of the applicant is not necessary as the investigation is over and charge-sheet has been filed. It is thus submitted that the applicant be released on bail.

6. On the other hand the learned APP for the respondent-State submits that the applicant is involved in the serious offence of spreading superstition. It is further submitted that the present applicant extracted amount of Rs. 50,30,000/- from the gullible complainant. It is submitted that considering the nature of offence, the application be rejected.

7. Admittedly, the offences are triable by the Magistrate. The applicant is in jail for more than 10 months. There are no other

criminal antecedents. I am therefore inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 30 of 2022 registered at Khadak police station for the offences punishable under Sections 420, 354-A, 506 of the Indian Penal Code and Section 3 of Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman Evil and Aghori Practice and Black Magic Act, 2013 on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)