

BDP-SPS-TAC

BHARAT
DASHARATH
PANDIT

Digitally signed
by BHARAT
DASHARATH
PANDIT
Date: 2022.09.21
13:05:59 +0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1601 OF 2022**

Bapu Dnyandeo Dake Applicant.
V/s
The State of Maharashtra and Anr. Respondents.

Mr. Ganesh Bhujbal for the Applicant.
Ms. Sharmila S. Kaushik, APP for the Respondent/State.
Mr. Rupesh Zade for the Intervener/original complainant.

CORAM: NITIN W. SAMBRE, J.

DATE: SEPTEMBER 19, 2022

P.C.:-

1] Applicant is seeking pre-arrest bail in C.R. No.253 of 2022 registered with Baramati City Police Station, District Pune for the offence punishable under Sections 420, 406 of the Indian Penal Code and Section 3 of the Maharashtra Prevention & Eradication of Human Sacrifice & Other Inhuman Evil & Aghori Practices & Black Magic Act, 2013.

2] Prosecution case against the Applicant is, complainant was not doing well in his business. As such, was assured by taking recourse to certain illegal activities by the Applicant like black magic etc for improving his business activity and earning more profit by minimising the losses.

3] Submissions of Mr. Bhujbal, learned Counsel for the Applicant are, Applicant is falsely implicated. According to him, amount alleged to have been claimed in the FIR was not received in one go. He would further urge that custodial interrogation is not necessary as there are no antecedents and the Applicant is ready to cooperate.

4] Learned APP has opposed the prayer.

5] Investigation carried out till this date reflects that Applicant as an agriculturist by profession has received substantial amount in his account through account transfer, so also cash deposits.

It is difficult to believe that Applicant has generated such income from his agricultural operations. Rather, Applicant has failed to furnish the source of said deposit.

6] In the background of the allegations in the FIR, it is apparent that Applicant is involved in the commission of crime as alleged, particularly when amount is received by the Applicant from account of the complainant, so also in the form of cash deposits as is reflected in the investigation papers. Allegations made in the FIR reflect involvement of the Applicant in a serious offence, which has a far-reaching effect over social structure of the society. That being so, no case for pre-arrest bail is made out. Application stands rejected.

(NITIN W. SAMBRE, J.)