

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.35 OF 2023

1. Kalyan Manik Katkhade
2. Laxmi S/o. Manik Katkhade Applicants

Versus

The State of Maharashtra
and another Respondents

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Mr. Mahendra P. Gandle, Advocate for the Applicant
Mr. A.V. Deshmukh, APP for Respondents – State
Mr. S.E. Shekade, Advocate for the informant

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 14th FEBRUARY, 2023

ORDER :

1. The applicants apprehend their arrest in connection with Crime No. 236 of 2022 registered with Chaklamba Police Station, District Beed for offences punishable under sections 323, 338 read with 34 of the Indian Penal Code and section 3(1)(2) of the Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013.

2. FIR is lodged by the wife of applicant No.1 Disha Kalyan Katkhade alleging that on 15/02/2022, applicant and her in-laws were suspecting that she is possessed by some evil spirit. To take out the evil spirit from her body, the applicants called *Mantrik baba*, who performed some inhuman

activities and *pooja*. She was asked to drink some water which was allegedly adulterated with intoxicating substance and lime. Thereafter, the *Mantrik baba* and her mother-in-law/applicant No.2 assaulted her with stick. Accused No.1/*Mantrik baba* gave blow of '*Kavdyachi Mal*' on the head of the informant, because of that she became unconscious. Applicant No.1 took video shooting of the said incident in his mobile. Again on 16/02/2022, at about 1.10 p.m., accused No.1 came to the house of informant and did fire and smoke for *Aarti*, because of which the informant again became unconscious. Thereafter, the informant told the same to her father, and her father took away her to the maternal house. The informant tried to lodge FIR, however, police refused to register the same. Hence, she approached to learned Judicial Magistrate, First Class, Shirur (Kasar) by filing Criminal Miscellaneous Application No.200 of 2022. On which, direction was issued for registration of FIR under section 156(3) of the Code of Criminal Procedure. Accordingly, the present FIR is lodged.

3. Heard learned advocate for the applicants, learned Additional Public Prosecutor for the State and learned advocate for the informant. Perused the investigation papers.

4. Accused No.1/*Mantrik baba* is already arrested, and some recovery is effected from him. Applicant No.1 has produced the cell phone, on which he had recorded the *pooja* ceremony. The same is seized by the police. Stick allegedly used in the offence is already recovered. Nothing is to be recovered from the applicants.

5. The applicants were granted interim protection and they have co-operated in the investigation. Therefore, in the facts of the present case, pre-trial custodial detention of applicants is not necessary.

6. In the result, the application is allowed. In the event of arrest of applicant in connection with Crime No. 236 of 2022 registered with Chaklamba Police Station, District Beed for offences punishable under sections 323, 338 read with 34 of the Indian Penal Code and section 3(1)(2) of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, the applicants shall be released on bail on executing Personal Bond of Rs.15,000/- each with one surety in the like amount.

7. Till filing of the charge sheet, the applicants shall attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. The applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane