

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 172 OF 2023**

Sarla w/o Kishan Pawar

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Ghanasham Jadhav for the Applicant.

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

Mr. Ajitkumar Bhagwan Patil, PSI, Pune City, Present.

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CORAM : N.R. BORKAR, J.

DATED : 1 FEBRUARY 2023

P.C. :-

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

2. The applicant is apprehending his arrest in Crime No. 231 of 2021 registered at Sinhagad Raod Police Station, Pune for the offences punishable under Sections 420, 385, 489-B, 506 read with 34 of the Indian Penal Code and Sections 2 and 3(1) of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman and Aghori Practices and Black Magic Act, 2013.

3. The learned counsel for the applicant submits that this Court has released one of the co-accused on anticipatory bail to whom much more serious role is attributed than the present applicant. In support of it, the learned counsel for the applicant has placed on record copy of the order

passed by this Court dated 21 February 2022 in Criminal Bail Application No. 2037 of 2021. By the said order this Court has released the co-accused- Ramdas Baburao Solanke on anticipatory bail.

4. According to the prosecution, the applicant and the co-accused had induced the complainant to part with an amount of Rs. 52 lakhs which the complainant claims that it was paid in cash, with the assurance that after the practice of some black magic, he would get lot of money. According to the prosecution, out of Rs.52 lakhs, the complainant had paid Rs.20 lakhs. It is alleged that, when the complainant stopped paying money, the present applicant and other co-accused started threatening him.

5. The present applicant is not the beneficiary of any amount. This Court has released the co-accused Ramdas Solanke on anticipatory bail to whom more serious role is attributed. I am therefore, inclined to release the applicant on anticipatory bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) In the event of arrest of applicant- Sarla w/o Kishan Pawar in Crime No. 231 of 2021 registered at Sinhagad Raod Police Station, Pune for the offences punishable under Sections 420, 385, 489-B, 506 read with 34 of the Indian Penal Code and Sections 2 and 3(1) of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman and Aghori Practices and Black Magic Act, 2013, she shall be released on bail on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(iii) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.

(N.R. BORKAR, J.)