



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.2144 OF 2023

Sainath Vilasrao Auti

... Applicant

VERSUS

The State Of Maharashtra
And Another

... Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 43 OF 2024

Usha W/o Shivaji Kalamkar

... Applicant

VERSUS

The State Of Maharashtra
And Another

... Respondents

.....

Mr. G.R. Syed, Advocate for Applicant in ABA/2144/2023

Mr. Amol S. Gandhi, Advocate for Applicant in ABA/42/2024

Mr. S.P. Sonpawale, APP for Respondents – State

Ms. Manjushri Narwade h/f Mr. V.P. Narwade, Advocate for Informant

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 25th APRIL, 2024

ORDER :

1. Applicants apprehend arrest in Crime No. 1105 of 2023, registered with Parner Police Station, District-Ahmednagar for offences punishable under sections 109, 323, 327, 504 read with section 34 of the Indian Penal Code and under section 3 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 Shubhangi Sainath Auti alleging that in between 01.04.2023 to 11.10.2023, accused persons in furtherance of their common intention by practicing superstition asked her to do various acts and thereby subjected her to economic, forcible and mental cruelty. She further alleged that accused persons told her that she is not auspicious and it was advised that she needs to be sacrificed (human sacrifice). She was abused, manhandled her and was threatened to kill.

3. Heard learned advocate for applicant, learned APP for respondents – State and learned advocate for Informant.

4. Applicants claim to be innocent. It is pointed out that during pendency of these applications, and when the process of mediation was going on, informant has lodged FIR bearing Crime No.0129/2024 on 03.03.2024 with Supa Police Station, District-Ahmednagr for offences punishable under sections 323, 498-A, 504 read with section 34 of the Indian Penal Code, against applicants and applicants relatives. In the said FIR, no allegations which are made in the present FIR are made. Unfortunately, mediation has failed.

5. Allegations made in the FIR are only supported by relatives of informant. Considering the matrimonial dispute between the parties, *prima facie*, over implication and/or false implication cannot be ruled out at this stage. The FIR is lodged on 23.11.2023, delay in lodging the FIR is not explained. Applicants were granted interim protection and they have co-operated in the investigation. No useful purpose would be served by remanding applicants to the custody.

6. Applications are therefore allowed by confirming interim protection granted to applicants by orders dated 02.01.2024 and 17.01.2024.

7. Till filing of charge-sheet, applicants shall attend concerned Police Station as and when called by the Investigating Officer. Applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE