

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2093 OF 2023

Asgar Salim Kerure & oth. ... Applicants.

V/s.

The State of Maharashtra ... Respondent.

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Shri Shashank C. Mangle, Advocate for Applicants.

Shri Pandurang Gaikwad-Patil, APP for the State.

Shri Rahul Khot, Advocate for Respondent No.2.

CORAM : ANIL S. KILOR, J.

DATE : 20TH JUNE, 2024.

PC:

1. Leave to add intervener as party respondent No.2.
2. The amendment be carried out forthwith.
3. Heard.
4. By this application under Section 438 of the Code of Criminal Procedure the applicant is seeking pre-arrest bail in Crime No.330 of 2023, registered with Shivaji Nagar Police Station, Ichalkaranji for the offences punishable under Sections 498-A, 354-A, 452, 406, 327, 504, 506, 427, 436, 143, 147 and 149 of the Indian Penal Code and Section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman and Aghori Practices and Black Magic Act, 2013.

5. In the present matter, the allegations are in respect of the ill-treatment and assault on the in-laws by the husband and his family members. There are allegations of black-magic also. From the charge-sheet it is apparent that there was a delay in lodging the complaint which creates doubt about the veracity of the complaint. Moreover, from the statement of the informant it appears that she has roped all the family members in the alleged offence. The applicants in the present matter were granted *ad-interim* protection vide order dated 27/07/2023 and since then they are on bail. It is informed that the applicants have attended the Police Station as directed by this Court. The learned counsel for the applicants submits that after the dates on which this Court directed to attend the Police Station the applicants were never called by the Investigating Officer. The learned counsel for the applicants further submits that Pen drive was handed over to the Police by the applicants.
6. The learned A.P.P. and the learned counsel for the Intervener strongly opposed the application and submit that there is ample material collected by the Investigating Officer that, the black magic was performed and the informant was ill-treated. Accordingly, they pray for rejection of the present application.
7. After going through the allegations, WhatsApp messages and other material, it can be said that there was a delay in lodging the F.I.R. and further the custody of the applicants is not

necessary. After the *ad-interim* protection was granted, there is no complaint by either the Investigating Officer or the Intervener that the applicants have misused the liberty. In the circumstances, I am of the opinion that the order dated 27/07/2023 needs to be confirmed.

7. Accordingly, I pass the following order:
- i) The Criminal Application is allowed.
 - ii) The order dated 27/07/2023, granting *ad-interim* bail to the applicants, is hereby confirmed with modification that as and when the presence of the applicants is required, the applicants shall attend the concerned Police Station.
 - iii) The applicants shall not enter the territorial jurisdiction of Ichalkaranji Police Station till conclusion of the trial.
 - iv) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)