

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2630 OF 2024

Romaji @ Roma Bapu More

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Rohit D. Gorade, for the applicant.

Mrs. S. M. Yadav, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 9th AUGUST, 2024

PC:-

1) Heard.

2) By this application under Section 439 of the Code of Criminal Procedure, the applicant is seeking bail in Crime No.224 of 2023 registered with Vadner Khakurdi Police Station, Dist. Nashik, for the offences punishable under Sections 363, 364, 201 and 120-B and 302 read with Section 34 of the Indian Penal Code, 1860 and Section 3 of Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013.

3) The body of the deceased child was found in the agricultural land owned by the applicant. The allegations are that the murder of the child was committed for performance of black magic to get hidden wealth

4) As far as the statement of the friend of the deceased child is concerned, it is evident that he stated that he was playing with the deceased in the field of the applicant, and when he left his company, one Ganesh Sonawane was removing the weeds in the field. The said witness has not named the applicant.

5) As far as the recovery is concerned, one spade was recovered. However, nothing is pointed out how the recovery of the spade connects the applicant with the alleged offence.

6) There is no direct evidence against the applicant. Even there is no evidence that the applicant does black magic or he did it in the past.

7) Thus, as far as the applicant is concerned, the only evidence is that the deceased boy was found in his field. The applicant is in jail from last about one year and since the charge-sheet has been filed and as there is no direct evidence against the applicant, I am of the opinion that further custody of the applicant is not necessary. Thus, considering the material collected by the Investigating Officer against the applicant, I am of the opinion that the applicant is entitled for grant of bail. Hence, I pass the following order.

ORDER

- i. The Bail Application is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No.224 of 2023 registered with Vadner Khakurdi Police Station, Dist. Nashik, for the offences punishable under Sections 363, 364, 201 and 120-B and 302 read with Section 34 of the Indian Penal Code, 1860 and Section 3 of

Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

iii The applicant shall not enter into the territorial jurisdiction of Vadner Khakurdi Police Station, Dist. Nashik till the conclusion of the trial except on the date of trial;

iv The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1st and 16th day of every month between 10.00 am to 11.00 am, till the conclusion of the trial except on the date of trial;

v. The Applicant 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;

vi. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;

vii. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

viii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]