



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.41 OF 2024
(Sunil s/o Pappu Sharma Vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. N.S. Soni, Advocate for the applicant.
Ms R.V. Sharma, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 25, 2024.

Present application is filed by the applicant for grant of anticipatory bail in the event of his arrest in connection with Crime No.918/2023 registered with Police Station Hudkeshwar, Nagpur for the offence punishable under Sections 420 read with Section 34 of the Indian Penal Code and Section 3(2) of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013.

2. The accusation against the present applicant is on the basis of report lodged by the complainant wherein she has alleged that she was introduced with the co-accused Ishwar Sharma by a common friend in the year 2018 and said Ishwar Sharma had lured her on the pretext of removing evil shadow which is over the complainant by performing some pooja and black magic on her and obtained money of Rs.6,53,500/- from her. It is further alleged that on some occasions, he had sent the present

applicant at the house of the complainant for performing the pooja and for obtaining the money. On the basis of said report, police have registered the crime.

3. Learned Counsel for the applicant submitted that as far as the role attributed to the present applicant is concerned he has visited the house of the complainant on the say of co-accused. There is no allegation that either complainant has paid some amount to the present applicant, therefore, the custodial interrogation of the present applicant is not required as he has not received any money.

4. Learned APP strongly opposed the application on the ground that considering the association of the present applicant with the co-accused, his custodial interrogation is required and prays for rejection of the application.

5. Having heard the learned Counsel for the applicant and learned APP for the State, perused the recitals of the FIR and the investigation papers from which it reveals that only allegation against the present applicant is that he has visited the house of the complainant on the say of the co-accused for performing the pooja. There is no allegation that either the applicant has received some amount and therefore, his custodial interrogation is not required. In view of that, the interim protection granted to the present applicant deserves to be confirmed.

6. Hence, the application is allowed and the interim protection granted to the present applicant vide order dated 16/01/2024 is hereby confirmed on the same terms and conditions.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*