



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 1104 OF 2025

Surayya Begam Wajid Mujewar

Versus

The State of Maharashtra & Anr.

Mr. Ram S. Shinde for the Applicant.

Mr. A. M. Phule, APP for the State.

CORAM : ADVAIT M. SETHNA, J.

DATE : 14 JULY 2025

P. C.:

1. The Applicant has filed the present Application as the Applicant apprehends arrest. These proceedings arise out of CR No.0122 of 2025. The FIR is lodged on 19 April 2025 at 20:28 hours by the Udgir City Police Station, Dist. Latur. The date of occurrence of the alleged incident as stated in the FIR is from 7 September 2022 to 30 December 2024. The FIR has been registered under Section 3(2) of the The Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013 (“**The Black Magic Act**”) and Sections 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**”). There are two accused persons. The original accused No.1 is the Applicant before the Court, who is the sister of the original accused No.2. The Informant is one Asmatunnisa Jabbarodin Parkote. The brother-in-law of accused No.1 had got married with the daughter of the Informant.

2. With the assistance of the learned counsel for the parties, I have perused the FIR and record available with the Court. It appears from the FIR that the alleged acts of black magic which fall under the provisions of the Black Magic Act were performed between 7 September 2022 to 30 December 2024 on the Informant. The allegation is that during such acts, the Informant has parted with substantial amounts of money as well as gold and silver ornaments. The original accused No.2 i.e. Farida Yusuf Shaikh has been arrested. There is some substance in the submissions of the learned Advocate for the Applicant that the alleged occurrence of the incident where such black magic was performed continuously for a period of two years. There was no complaint in the interregnum period except for lodging of the FIR that too belatedly on 19 April 2025. There is no explanation coming forth from the prosecution in this regard for such gross and inordinate delay.

3. At this juncture, Mr. Shinde would refer to the judgment of this Court in the case of ***Vedika Nilesh Pai Vs. State of Maharashtra***¹ where the Court had occasioned to deal with Section 3 of the Black Magic Act. The Court made similar observations pertaining to the fact that the alleged incident had taken place in September 2019, whereas the FIR was lodged on December 2019. However, in the present case the delay in lodging the FIR from the date of the alleged incident exceeds two years. The Applicant is a lady and a homemaker. The Applicant undertakes to fully co-operate with

¹ 2021 SCC OnLine Bom 6633

the investigation.

4. Mr. Phule, learned APP has strongly objected to the ABA and submitted that the custodial interrogation of the Applicant is necessary in the given facts and circumstances.

5. A *prima facie* case is made out by the Applicant. The basic ingredients of the offence alleged under the Black Magic Act read with the BNS are not coming forth, qua this Applicant, at this stage. This is a case where the disputes between the parties are essentially out of matrimonial discord. In such factual complexion, custodial interrogation would serve no purpose. Hence, in my view, the following order would meet the ends of justice:-

ORDER

(i) In the event of arrest of the Applicant in connection with CR No.0122 of 2025 registered with Udgir City Police Station, Dist. Latur for the offences punishable under Section 3(2) of the The Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013 and Sections 318(4) and 3(5) of the BNS, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.20,000 (Rupees Twenty Thousand Only) with one or more sureties in the like amount.

(ii) The Applicant shall cooperate with the investigation and shall

attend the concerned police station as and when called by the Investigating Officer, until filing of the charge-sheet.

- (iii) The Applicant shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately intimated to the concerned police station.
- (iv) The Applicant shall not leave the jurisdiction of the Court without prior permission/order of the Court, until the further orders.
- (v) The Applicant shall not influence the witness/es and/or tamper evidence in any manner whatsoever.

6. Needless to mention that the observations made above are *prima facie* for the purposes of adjudicating this Application.

7. The Anticipatory Bail Application is allowed in the above terms.

[ADVAIT M. SETHNA, J.]