

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 13 of 2023**

Kamal Ananda Mahapure ... Applicant
versus
The State of Maharashtra Respondent

Mr. Satyavrat Joshi along with Mr. Samay Pawar, Mr. Yash Fadtare and Mr. Priyesh More, Advocate for the Applicant.
Ms. Sangeeta D. Shinde, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th FEBRUARY, 2025.

P.C. :

1. By this application, applicant is seeking regular bail in Crime No. 7 of 2019 registered with Dhebewadi Police Station, Satara for the offences punishable under Sections 302, 201, 120-B and 34 of the Indian Penal Code 1860 (for short "IPC") and Section 3 of Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practises and Black Magic Act, 2013.

2. It is prosecution's case that the applicant and co-accused murdered the daughter of the complainant by slitting her throat as human sacrifice to get prosperity and hidden wealth. The allegations against the applicant are that she fed the sacred prasad, chanted mantras and held legs of the victim at the time of human sacrifice.

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3. It is the contention of learned counsel for applicant that the applicant is a lady and senior citizen, more than 61 year old. She is behind bar for more than two years. Charge has been framed against her but trial has not been commenced. The statement of the witness -Aniket Aatkari was recorded immediately after the incident. Thereafter his statement was recorded under Section 164 of the Code of Criminal Procedure, 1973 before the magistrate. In those statements, he has not uttered any word against the applicant and after three years of the incident, he has stated that he saw the applicant on incident spot, which is suspicious, as after three years he has stated that he has witnessed the incident. Learned counsel, on instructions, submits that if this Court is inclined to allow the bail application, the applicant will not enter into Satara District till conclusion of trial, where the incident happened nor she will ask for relaxation of condition from this Court. Hence, requested to allow the application.

4. It is contention of learned APP that the applicant and co-accused murdered the victim in the name of human sacrifice for getting hidden wealth and prosperity. They brutally murdered the victim girl who was 17 year old. The applicant had conspired with co-accused. The applicant was present at the time of the incident, she fed Bhandara to the victim and she had caught hold of her legs and was chanting mantras. It shows her involvement in the crime. If the application is allowed, the applicant may threaten the prosecution witnesses, she may abscond and

may not attend the trial regularly. Hence, requested to reject the application.

5. I have heard both learned counsel, perused the charge-sheet.

6. The allegations against the applicant are that she held legs of victim, chanted mantras and fed bhandara to her, thereafter co-accused slit the throat of the victim in the name of human sacrifice. The statement of witnesses shows that the applicant was a religious priest and she was practising religious acts in that village. The witness-Aniket Atkari has stated that he had seen the applicant at the incident spot but his statement is recorded after three years of incident. In earlier two statements, he has not stated about the role of the applicant. The evidential value of the statement of eye-witness can be considered at the time of the trial. The applicant is a lady, she is more than 60 year old, she is behind bar for more than two years. Charge has been framed, yet trial has not been commenced. Learned counsel for the applicant, on instructions, undertakes that the applicant will stay outside Satara District till conclusion of the trial and she will attend the court dates' regularly. Considering these facts, I pass following order :

ORDER

- (i) The applicant be enlarged on bail in Crime No. 7 of 2019 registered with Dhebewadi Police Station, Satara, on executing P.R.Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

- (ii) The applicant shall attend the nearest police station where she is going to reside, once in a month till conclusion of trial.
- (iii) The applicant shall inform her latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- (v) The applicant shall not enter Satara District till conclusion of trial except attending the Court.

The application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)