



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.460 OF 2025

Mainu Dunga Joi
Vs.

State of Maharashtra, through Police Station Officer, Police Station
Gatta(Jambia), District Gadchiroli

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. R. Fule, Counsel for the applicant.
Mr. N. R. Rode, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/06/2025

1. The applicant came to be arrested on 30.04.2024 in connection with Crime No.1/2024 registered with Police Station Gatta (Jambia), District Gadchiroli for the offence punishable under Sections 143, 147, 148, 307, 341, 504 506 read with Section 149 of the Indian Penal Code and under 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. On the basis of the report lodged by the injured / victim the offence came to be registered against the present applicant and the other co-accused. It is alleged that the father of the accused persons expired prior to two months before this incident and they have suspected that the

present injured has caused his death by use of black magic and, therefore, there was an enmity between them. On the day of incident, the present applicant and the other co-accused assaulted him by means of fist and kick blows, tied his hands and legs and thereafter, other co-accused have assaulted him by means of Sabbal (iron bar) therefore, he sustained the grievous injuries and was hospitalized. On the basis of the said report, police have registered the crime against the present applicant and other co-accused.

3. Heard learned Counsel for the applicant, who submitted that as far as the allegation against the present applicant is concerned, only to the extent of assault by fist and kick blows and tying the hands and legs of injured. As far as the injuries which are sustained by the injured are concerned, which are attributed to the other co-accused, who have assaulted him by means of Sabbal (iron bar). Now investigation is already completed and charge-sheet already filed, further incarceration of the present applicant is not required. Moreover, the injured is already discharged from the hospital and now there is no apprehension of death of the injured. For all above these grounds, the applicant be released on bail.

4. Learned APP strongly opposed the said application and submitted that the injured was

hospitalized for more than 20 days. He has sustained the grievous injuries. Moreover, the injured was assaulted, in furtherance of the common intention by suspecting that he has caused the death of the relative of the present applicant, by means of black magic. If the applicant is released on bail, there is an apprehension that the similar type of the incident likely to be taken place. In view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, it reveals that the allegation against the present applicant and other co-accused is that they are suspecting the injured that he has caused the death of their relative by means of black magic and on that count, the injured was assaulted. As far as the present applicant is concerned, only allegation against him is that he has assaulted the injured by means of fist and kick blows. The injury sustained by the injured by means of Sabbal (iron bar), which are attributed to the co-accused. Now injured is already discharged from the hospital, there is no apprehension of death and investigation is already completed, charge-sheet is already filed. Considering all these aspects, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.

(ii) The applicant **Mainu Dunga Joi** shall be released on bail in connection with Crime No.1/2024, registered with Police Station Gatta (Jambia), District Gadchiroli for the offence punishable under Sections 143, 147, 148, 307, 341, 504 506 read with Section 149 of the Indian Penal Code and under Section 3(2) of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not enter into the vicinity of village Jambia, Taluka Etapalli, District Gadchiroli, till the culmination of trial.

(iv) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(vi) The contravention of any of the conditions would lead to the cancellation of bail.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)