

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 723 of 2023**

1.Phoolsingh Shevu Rathod ... Applicants
2.Mohansingh Sitaram Naik
versus
The State of Maharashtra Respondent

Mr. Shreyas Barsawade, Advocate for the Applicants.
Ms. Sangeeta D. Shinde, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th FEBRUARY, 2025.

P.C. :

1. The bail application for applicant No.1 has been withdrawn by separate order passed today.

2. By this application, applicant No.2-Mohansingh Naik is seeking regular bail in Crime No.4 of 2019 registered with Dhebewadi Police Station, District- 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 he had conspired with other co-accused to give human

sacrifice of victim, accordingly, throat of the victim was slit by co-accused and the applicant kept watch at the time of incident.

3. It is the contention of learned counsel for applicant that the applicant No.2 is more than 70 year old, he is behind bar for more than two years. The allegations against applicant No.2 are that he kept watch at the time of the incident and he had conspired with co-accused to kill the victim. Charge has been framed against applicant No.2, yet trial has not commenced. It may take time to conclude the trial. 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 for the applicant, on instructions, submits that if this Court is inclined to allow the bail application, the applicant will not enter into Satara District, where the incident happened nor he will ask for relaxation of condition from this Court. Hence, requested to allow the application.

4. It is contention of learned APP that applicant No.2 conspired with co-accused to kill the victim. Applicant No.2 has played a vital role in the present crime. There is prima facie case against applicant No.2. The statements of witnesses show that applicant No.2 had meeting with the

co-accused to give human sacrifice of the victim. If the application is allowed, the applicant may threaten the prosecution witnesses, he 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 he had conspired with other co-accused to give human sacrifice of victim, accordingly, throat of the victim was slit by co-accused and the applicant kept watch at the time of incident. The witness-Aniket Aatkari has stated that he had seen the applicant at the incident spot but his statement is recorded after three years. The evidential value of the statement of this witness can be considered at the time of trial. The applicant is more than 70 year old, he is behind bar for more than two years. Charge has been framed against the applicant, yet trial has not been commenced. It may take time to conclude the trial. Learned counsel for the applicant, on instructions, undertakes that the applicant will stay outside Satara District till conclusion of the trial and he will attend the court dates' regularly.

Considering these facts, I pass following order :

ORDER

- (i) Applicant No.2 – Mohansingh Sitaram Naik be enlarged on bail in Crime No.4 of 2019 registered with Dhebewadi Police Station, District- Satara, on executing P.R.Bond in the sum of Rs.50,000/- with one or two sureties in the like

amount.

- (ii) Applicant No.2 shall attend the nearest police station once in a month till conclusion of trial.
- (iii) Applicant No.2 shall inform his 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) Applicant No.2 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 off.

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.)