

MHKO010020212025



ORDER BELOW EXH. NO.4 IN SPECIAL CASE NO. 129/2025

State of Maharashtra .. Prosecution/State

Through Kodoli P. S.

Vs.

Supriya Hemant Pawar .. Accused No. 2

1. This is second bail application moved by the applicant/accused No.2 in C.R.No.63/2025 registered with Kodoli Police Station under Section 64(1), 96 of Bharatiya Nyaya Sanhita (BNS), 2023 and under Section 4, 6, 8,12 and 17 of POCSO Act and under section 3 of the Maharashtra Prevention and Eradication of Human Sacrifices and other inhuman Evil, Aghori Practices and Black Magic Act, 2023.

2. The sum and substance of the FIR is that, a minor girl of 16 years 08 months was offered employment by present applicant. In December 2024, present applicant took the victim to Ratnagiri under pretext of meeting. The victim was taken to a farm house and one black magic ceremony was performed. Accused No.2 asked the victim to disrobe and by tying a blindfold on victim's eyes, she was made to sit for

that ceremony. Thereafter, accused no.1 forcibly established sexual relations with her against her will. Present applicant stated that the ceremony was being performed for better future prospectus of the victim. The accused threatened the victim not to tell the incident to anyone. Similar ceremony was again performed at the house of accused Nos. 1 and 2 on the next day. Therefore, the victim lodged FIR against all the accused on 06/04/2025. Present applicant was arrested on same day.

3. It is stated by the applicant that she has not committed any crime and is falsely implicated in the case. According to the applicant, there is gross delay in lodging FIR. The victim is educated girl but has not stated any details in respect of date of alleged incident. The applicant lady has no criminal antecedents and is ready to abide by conditions imposed by the Court.

4. Ld. Advocate for the applicant argued as per application and further submitted that previous bail application of the applicant was rejected on the ground of pending investigation. Now, the charge-sheet is filed. He pointed out that the victim has not stated anything against present applicant in her statement given before Court.

5. I. O. and Ld. APP filed say and opposed the bail

application on the ground that present applicant was actively involved in taking minor victim to Ratnagiri for performing black magic ceremony. Present applicant compelled the victim to disrobe and threatened her. If she is released on bail, there is threat to victim's life. It is stated that present applicant has cheated some other persons and C.R.No.160/2025 is registered against her.

6. Ld. APP argued as per say and further submitted that because of the initiation of present applicant, crime was committed. She pointed out that the material recovered from the house of present applicant shows that she was indulging in inhuman practices of black magic. The vehicle used to commit crime also belongs to relative of present applicant. She posed apprehension of tampering of evidence and prayed to reject the bail.

7. I have considered rival submissions and have perused the charge-sheet. The offences levelled against present applicant are not punishable with death or imprisonment for life. As per FIR, the alleged incident of performing black magic and sexual assault occurred in December 2024. The FIR came to be lodged in April 2025. Prima facie, there is considerable delay in lodging the FIR.

8. There is allegation that accused No.1 was

chanting Mantras at the time of ceremony and later on established sexual relations with the victim. Additional Sessions Judge has released accused No.1 on bail by observing delay in lodging FIR and medical ground of the accused. Earlier bail application of present accused was rejected considering that investigation was still pending.

9. The statement of the witnesses on record prima facie, show that their information is based on what was stated by the victim. The victim is of the age of maturity, whereby she can understand action and their effects. She has not stated about any incident in her statement recorded under section 164 of Cr. P. C. Now, investigation is complete and the charge-sheet is filed. The applicant/lady has no criminal antecedents. The offence of cheating is registered after lodging of present crime. There is no conviction against her. She was arrested on 06/04/2025.

10. Only allegation against applicant is that she accompanied the victim to Ratnagiri and asked her to perform a ceremony of black magic. Main role is attributed to accused No.1, who is released on bail and present applicant is entitled for parity. No purpose will be served by keeping her behind bars for uncertain period, as the trial will take its own time. The applicant is residing at village Satve, Tal-Panhala, whereas currently the victim is at Miraj. I do not see any

possibility of tampering, still the applicant can be released on bail by imposing stringent condition. Hence, I pass following order.

**Order**

- 1) The application is allowed.
- 2) The applicant/accused No.2 in C.R.No.63/2025 registered with Kodoli Police Station under Section 64(1), 96 of Bharatiya Nyaya Sanhita (BNS), 2023 and under Section 4, 6, 8,12 and 17 of POCSO Act and under section 3 of the Maharashtra Prevention and Eradication of Human Sacrifices and other inhuman Evil, Aghori Practices and Black Magic Act, 2023 be released on bail, on her furnishing P. B of Rs.75,000/- (Rs. Seventy Five Thousand only) with **one solvent surety** in the like amount on the following conditions:
  - i) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence.
  - ii) At the time of executing bond, the applicant shall submit documentary proof of her residence and shall furnish her telephone or mobile number

and shall inform about any change therein.

- iii) The applicant shall not commit any offence similar to the offence alleged against her.
- iv) The applicant shall attend dates of trial regularly unless exempted by the Court.
- v) The applicant shall not contact with the victim and shall not enter within the jurisdiction of Miraj, during pendency of trial.
- vi) Violation of any of the conditions mentioned above, shall entail the prosecution for cancellation of bail.

3) Bail before this Court.

Place : Kolhapur.  
Date : 03/07/2025.

( Mrs. Aparna S. Waikar )  
Additional Sessions Judge,  
Kolhapur.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	Mrs.S.R.Tambvekar
Name of Court	Mrs. Aparna S. Waikar, Additional Sessions Judge, Kolhapur.
Date of Dictation	03/07/2025.
Order signed by the P.O. on	03/07/2025.
Order uploaded on	03/07/2025.