

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 29 OF 2015

IN

CRIMINAL MISC. APPLICATION NO. 226 OF 2014

ASHANK NAIK GAUNKAR.

... Applicant

Versus

STATE THROUGH DY S. P. CRIME
BRANCH AND ANR.,

... Respondents

Mr. S. Shet, Advocate for the Applicant.

Mr. S. R. Rivankar, Public Prosecutor for the respondents.

Coram:- U. V. BAKRE, J.

Date:- 6th February, 2015

P.C.:

Heard Mr. Shet, learned Counsel for the Applicant and Mr. Rivankar, Public Prosecutor for the respondents.

2. By this application, the applicant has prayed for modification of order dated 28/03/2014 passed by this Court in Criminal Misc. Application (Bail) No. 49 of 2014 as also the order dated 23/06/2014 in Criminal Misc. Application no. 119 of 2014 and to permit the applicant to reside at Canacona and to take care of his mother and also permit to take his mother out side the State of Goa for medical opinion/ treatment.

3. While granting the bail to the applicant, by the order dated 28/03/2014, the conditions no. 4 and 5 which were imposed upon the

applicant are as under:

"4) The applicant shall not visit the Municipal limits of Canacona until the filing of the charge sheet in the said crime.

5) The applicant shall not leave State of Goa till the filing of the charge sheet and shall not leave India without previous permission of the learned Special Court having jurisdiction."

4. By order dated 23/06/2014, this Court had modified the condition no.4 by allowing the applicant to visit his house at Canacona within municipal limits twice a week and prior to any such visit he has to inform the concerned Investigating Officer, 24 hours in advance, and also to visit the religious place Trumbakeshwar for one week of his choice with prior information to the concerned Investigating Officer two days in advance. It is stated by the applicant that his mother is 74 years old and is suffering from accelerated hypertension as also with Ischemic heart disease with dylopdomia and requires constant medical supervision/attention and that the applicant wants to be with his mother to take care of her and further to take her outside the State of Goa for expert medical opinion and treatment. It is stated that the mother of the applicant stays at House No. 145, Nagarcem, Canacona.

5. Reply is filed by the Investigating Officer resisting the applicant on the ground that the investigation is still in progress and if the applicant is allowed to visit Canacona area he may tamper with the

evidence and influence the witnesses in the case.

6. Considering the fact that the investigation is almost complete now and charge-sheet is going to be filed within a period of 8 weeks and considering the reasons stated by the applicant, I am of the view that the said conditions can now be modified.

7. In view of the above, the application is allowed. The applicant is permitted to visit Nagarcem, Canacona, Goa so that he can visit his mother staying there to take care of her. The applicant is also permitted to take his mother out of Goa for medical treatment. However, the applicant whenever he wants to go out side the State of Goa shall give prior intimation to the Investigating Officer of at least 24 hours. The applicant shall however not tamper with the evidence and shall not influence any of the witnesses in the case.

8. The orders dated 28/03/2014 and 23/08/2014 stand modified to the above extent. Remaining conditions shall remain intact.

9. Application stands disposed of accordingly.

U. V. BAKRE, J.

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