

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 24 OF 2015

MR. PAVAN NAVELKAR.

... Applicant

Versus

STATE THROUGH POLICE INSPECTOR,
MAPUSA POLICE STATION AND ANR.,

... Respondents

Mr. S. D. Patil, Advocate for the applicant.

Mr. Mahesh Amonkar, Advocate for respondents no. 1 and 2.

Coram:- U. V. BAKRE, J.

Date:- 17th February, 2015

P.C.

Heard Mr. Patil, learned Counsel for the applicant and Mr. Amonkar, learned Additional Public Prosecutor for the respondents.

2. The applicant, who apprehends his arrest in Crime No. 567/2014 registered at Mapusa Police Station for offences punishable under Sections 504, 506 of the Indian Penal Code (I.P.C.) and Section 8 of the Goa Children's Act, 2003, has filed this application for anticipatory bail.

3. Perused the reply filed by the Investigating Officer, thereby resisting the application.

4. The said offence was registered on 26/12/2014 upon a complaint lodged by one Mr. Suresh Shetye alleging that prior to 17/12/2014, time not known at Ansabhat, Mapusa, Bardez, Goa, the applicant abused his minor children respectively aged 12 years and 7 years with filthy words and threatened them with dire consequences, on account of some personal enmity.

5. In the reply, it is stated that the statements of victim girl and victim boy have been recorded. The panchanama of the scene of offence has been conducted. It is further stated that the statements of witnesses are yet to be recorded and that the victims being minor, the crime is of serious nature. It is further stated in the reply that there are two other crimes registered against the applicant at Mapusa Police Station, namely Crime No. 547/2014 under Sections 451, 323, 509 and 506 of I.P.C. and Section 8 of the Goa Children's Act and Crime No. 121/2014 under Sections 498-A, 504, 506, 323, 354 read with Section 34 of I.P.C., which are under investigation. It is also stated that the presence of the applicant is required in Police Custody for doing justice to the complainant and the victim.

6. Considering the reply filed by the Investigating Officer, it cannot be understood at all as to why the presence of the applicant is required in Police Custody. Admittedly, nothing is to be recovered at the instance of the applicant. In so far as the other crimes registered against the applicant are concerned, the applicant is on bail. Though the incident had allegedly occurred sometimes prior to 17/12/2014, however, the complaint was lodged on 26/12/2014. I am of the view that the nature of the crime is such that the presence of the applicant is not at all required in Police Custody and anticipatory bail should be given by imposing appropriate conditions.

7. In the result, the application is allowed.

(a) In the event of arrest of the applicant in Crime No. 567/2014 registered at Mapusa Police Station, he shall be released on bail upon

execution of Personal Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount under the following conditions :

- (i) The applicant shall attend Mapusa Police Station between 10.00 a.m. and 12.00 noon from tomorrow onwards till the end of this week and thereafter, as and when called upon by the Investigating Officer to do so.
 - (ii) 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 from disclosing such facts to the court or to any police officer.
 - (iii) He shall not, in any manner, contact the said two minor children or his father and shall not interfere with them in any manner.
 - (iv) The applicant shall not leave India without previous permission of the Children's Court.
 - (v) Bonds shall be executed before the Children's Court and to its satisfaction.
8. The application stands disposed of.

U. V. BAKRE, J.

SMA