

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO. 49 of 2015

Mr. Nikhol Manged,
Age 32 years,
r/o Sangla Village,
Dist. Kinnaur, Himachal Pradesh,
Presently lodged in Judicial Custody,
Mapusa Judicial Lock up,
Mapusa, Goa. .. Applicant.

Versus

1. State
(As represented by the officer
Incharge, Pernem Police Station
Pernem, Goa.
2. The Public Prosecutor,
High Court Bldg,
Altinho, Panaji, Goa. ... Respondents.

Ms. C. Collasso, Advocate for the applicant.

Mr. Mahesh Amonkar, Additional Public Prosecutor for the respondents.

Coram :- K. L. WADANE, J.

Reserved on : - 12th March, 2015

Pronounced on :- 17th March, 2015

ORDER:-

This petition is filed by the accused under the provisions of Section 439 of Cr.P.C.

2. The case of the prosecution is that on 09/01/2015, one

Navaraj Bharati, resident of Pernem, Goa lodged a complaint stating that on 09/01/2015 between 15.45 hours to 16.35 hours one Sanghe Yalmo threatened the complainant and assaulted the complainant's friend. During the course of investigation, the accused was arrested on 12/01/2015. The Investigating Officer recorded the statement of eye-witness, wherein he stated that he saw the applicant accused came with a knife from the kitchen of Cafe Hemp, Arambol and stabbed the victim Mr. Shambhu Haldar on his abdomen, causing him bleeding injury. From the statement of the witnesses, it also reveals that the applicant accused had sustained injuries, including head injury due to falling on the gallery made up of bamboo at the relevant time, while he was trying to hit the complainant.

3. It is submitted by the learned Additional Public Prosecutor that the knife is recovered at the instance of the present accused which he has used for commission of the offence. Further, it is submitted by the learned Additional Public Prosecutor that the investigation of the case is in progress and if the accused is released on bail, he may induce and threaten the witnesses, who had deposed the truth of the case. Further, it is submitted by the learned Additional Public Prosecutor that the accused is from Himachal Pradesh and if he is released on bail, then, it is difficult to secure his presence for the purpose of trial.

4. The learned Advocate for the applicant has relied upon the following orders of this Court :

(i) ***Pravesh M. Naik Vs. The State of Goa*** in ***CRMAB No. 270/2012***.

(ii) ***Shri Mervin Thomas Menezes Vs. State of Goa and other*** in ***CRMAB 106 & 107 of 2009***.

5. I have gone through the facts and observations of the above cited authorities, but the accused persons in the above said authorities were enlarged on bail looking to the period of detention and the stage of the trial. In the present case, the investigation of crime is yet to be completed. Therefore, looking to the seriousness of the offence and the fact that the investigation is in progress, the accused is not entitled for bail. Hence, the Bail Application stands rejected.

K. L. WADANE, J.

SMA