

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 218 OF 2015

IN

CRIMINAL APPEAL NO. 48 OF 2015

TIOFILO EVANGELIO MORAES @ MORIES,
PRESENTLY IN CENTRAL JAIL, AGUADA,
GOA.

... Applicant

Versus

STATE, THROUGH QUEPEM POLICE
STATION.

... Respondent

Mr. Anthony D'Silva, Advocate for the Applicant.

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

Coram:- C. V. BHADANG, J.

Date:- 27th November, 2015

P.C.:

The applicant has been convicted for the offence punishable under section 376 (2)(1) of I.P.C and has been sentenced to suffer imprisonment for a period of ten years. Indisputably, the applicant was in custody during the course of the trial. The allegations are that the applicant had committed rape on a girl who was mentally retarded. The only submission on behalf of the applicant is that the applicant is 77 years of age.

2. On hearing Mr. D'Silva, the learned counsel for the applicant and Mr. Rivankar, the learned Public Prosecutor for the respondent and having regard to the circumstances of the case and particularly, in

view of the fact that the applicant was in custody during the trial, I do not find that a case for grant of bail is made out. However considering the age of the applicant, the hearing of the appeal is expedited.

3. By consent, the appeal is fixed for final hearing on 17/12/2015.

C. V. BHADANG, J.

ap/-