

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO. 91 OF 2015

SAPNA MORDEKAR @ SAPNA PAI
FONDEKAR.

... Applicant

Versus

THE STATE OF GOA, THROUGH THE
PUBLIC PROSECUTOR AND ANR.,

... Respondents

Shri Ryan Da Piedade Menezes, Advocate for the Applicant.

Shri S.R. Rivankar, Public Prosecutor for the Respondent No. 1.

CORAM:- C. V. BHADANG, J.

DATE:- 16th APRIL, 2015

ORAL ORDER:

Heard Shri Menezes, learned Counsel for the applicant.

2. This application is filed for grant of anticipatory bail.

3. The brief facts are that the applicant is a legal practitioner at Panaji, Goa. The applicant alongwith her mother,

Mamta Mordekar are the owners of a flat situated at Borivali, Mumbai. According to the applicant, the said flat was given on license to one Bhupesh Talpade from 01.02.2015. However, some dispute arose between the owners and the licensee which has given rise to an incident which is said to have occurred on 14.04.2015. On the basis of the complaint lodged by Bhupesh Talpade, an offence at C.R. No. 191/2015 is registered against the applicant and her mother under Sections 452, 427, 504, 506 and 323 r/w Section 34 of I.P.C. and investigation is stated to be in progress. The applicant is apprehending arrest in connection of the said crime. According to the applicant, the licensee-Bhupesh Talpade had agreed to vacate the flat and when the applicant had gone to the residential premises, it was the wife of the complainant-Bhupesh Talpade, who had physically and orally abused the applicant. Be that as it may, according to the applicant, she has been falsely implicated on account of the dispute relating to the license of the flat.

4. I have considered the circumstances and the submissions made, as also the nature of the offences said to be

registered against the applicant. The offences are not punishable in excess of seven years of imprisonment. The applicant is a permanent resident of Margao and has undertaken to co-operate with the Investigating Agency as and when required. It is submitted on behalf of the applicant that the applicant would approach the competent Court for protection for obtaining appropriate order and in the meantime prays for protection. It is submitted that the applicant has a infant child, and could not immediately approach the competent Court. The Division Bench of this Court in the case of ***N.K. Nayar and Others Vs. State of Maharashtra and Others***, reported in ***1985 Cri.L.J. 1887*** has *inter alia* held that this Court would have jurisdiction to entertain such an application even if the offences are said to have been committed outside the State.

5. In such circumstances, limited protection can be granted to the applicant to approach the competent Court. Hence, the following order is passed:

(a) In the event of arrest in connection with the investigation of C.R. No. 191/2015 of Borivali Police Station, the applicant shall be released on

bail on furnishing a P.R. Bond in the sum of Rs.25,000/-, with one solvent surety in the like amount.

(b) The applicant shall not interfere with the investigation or tamper with the prosecution evidence/witnesses.

(c) The applicant shall intimate the permanent address to the Registrar of this Court, forthwith.

(d) The applicant shall co-operate with the Investigating Agency as and when required.

(e) This order shall remain in force till 24.04.2015, on expiry of which, it shall come to an end automatically.

(f) It is made clear that the competent Court will decide the application, if any filed in this regard on its own merits, without being influenced by any of the observations, herein made.

6. The application stands disposed of.
7. Parties to act on an authenticated copy of this order.

C. V. BHADANG, J.

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