

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 100 OF 2015

ANANDU SANGTU DEVIDAS.

... Applicant

Versus

THE STATE OF GOA, THROUGH POLICE
INSPECTOR, CANACONA POLICE
STATION.

... Respondent

Mr. Ryan Da Piedade Menezes, Advocate for the applicant.

Mr. S. Rivankar, Public Prosecutor for the respondent.

Coram:- C. V. BHADANG, J.

Date:- 25th June, 2015

P.C.

The applicant is apprehending arrest in connection with the investigation of Crime No.95/2013 of Police Station, Canacona, registered under Sections 468, 463, 471 and 420 of the Indian Penal Code (I.P.C.). The material allegation against the applicant is that he had tampered with a copy of the decree dated 12/06/1995 in Regular Civil Suit No.4/1995 and the said fabricated document was produced in some mutation proceedings. It appears that the applicant had filed a suit for declaration of his ownership and injunction in respect of the property Survey No.62/7 and the nature of the interpolation carried out, which is alleged, is that Survey number was substituted as 62/6.

2. It is submitted by the learned Counsel for the applicant that the applicant had filed an independent suit, claiming ownership in respect of 10304 square metres of land from out of field Survey

No.62/6 and had obtained a decree in that suit also. It appears that when the copy of the decree, allegedly tampered with, was produced in the mutation proceedings, it came to the knowledge of the opponent that it is a fabricated document, whereupon, a complaint was lodged in the year 2013 and investigation was started. It is not in dispute that the applicant has cooperated with the Investigating Agency.

3. The learned Public Prosecutor submitted that the applicant was called upon to produce the original certified copy of the decree obtained by him. It is submitted on behalf of the applicant that the said original copy has been misplaced.

4. Be that as it may, the fact remains that the matter pertains to the decree passed as far back as in the year 1995. The offence is also registered more than two years before i.e. in the year 2013. The offences charged are not punishable with an imprisonment in excess of seven years. The evidence in the present case, would be mostly a matter of record. In such circumstances, the custodial interrogation may not be strictly necessary. In such circumstances, I find that discretion can be exercised in favour of the applicant on appropriate conditions. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with the

investigation of Crime No.95/2013 of Police Station, Canacona, the applicant shall be released on bail upon the applicant executing a P.R. Bond in the sum of Rs.15,000/- with one solvent surety in the like amount.

- (iii) The applicant shall not tamper with the prosecution evidence and witnesses and shall cooperate with the Investigating Agency, as and when required.
- (iv) In the event of breach of any of the conditions, the prosecution would be at liberty to move for cancellation.

C. V. BHADANG, J.

SMA