

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 165 OF 2015

SHRI PRATHMESH PRASAD SAWANT. ... Applicant
Versus
STATE, THROUGH PI ATTACHED TO
QUEPEM POLICE STATION AND ANR., ... Respondents

Mr. Arjun F. Naik, Advocate for the Applicant.

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

Coram:- C. V. BHADANG, J.

Date:- 10th August, 2015

P.C.:

Heard Mr. Naik, the learned counsel for the applicant and Mr. Rivankar, the learned Public Prosecutor for the State/respondents.

2. By this application, the applicant is seeking anticipatory bail. The applicant is apprehending arrest in connection with investigation of Crime No. 75/2014 registered with Police Station Maina Curtorim for the offence punishable under section 420 r/w Section 34 of I.P.C.

3. As per the complaint lodged by Paitty Luis on 25/9/2014, the present applicant along with co accused Rupesh Shetkar had represented to the complainant and assured her of providing Government job and had induced her to part with an amount of Rs.3 lakhs. It was complained that the co-accused Rupesh Shetkar had

met the uncle of the complainant by name Mr. George Dias sometime in October 2012. Rupesh Shetkar had represented that the present applicant who is P.A to the P.W.D Minister can provide Government job. The complainant was told that an interview would be held in February 2013 and she was subsequently informed that it was postponed due to parliamentary elections. In short, according to the complainant, the present applicant and the co accused, Rupesh Shetkar induced her to part with the amount of Rs.3 lakhs on the assurance of providing a job. On the basis of such complaint, the offence came to be registered against the present applicant and Rupesh Shetkar, which is currently under investigation.

4. The learned Sessions Judge refused to grant anticipatory bail and that is how the applicant is before this Court.

5. It is submitted by the learned counsel for the applicant that the applicant himself had lodged a complaint against Rupesh Shetkar on 5/9/2014 i.e. prior to the complaint by Paitty Luis. In that complaint, the applicant had claimed that Rupesh Shetkar had agreed to provide job in Agriculture Department to him and his wife and had demanded Rs.7 lakhs, which were paid by cheques as per the details set out in the complaint. Rupesh Shetkar had promised to provide the job within one month of the final instalment paid on 29/9/2011, but has failed to do so. It is submitted that in fact the applicant is a victim and was not party to any deceit.

6. It is submitted by Shri Rivankar, the learned Public Prosecutor that it has transpired in the investigation that some time in the month of April-May 2013, Paitty Luis had received a phone call from Rupesh Shetkar asking her to speak to the present applicant, and it was during the conversation on phone that the applicant had promised that he will provide Government job. It is submitted that there is prima facie material to indicate the involvement of the applicant in the alleged crime. It is submitted that the main accused Rupesh Shetkar is still at large and not traceable. He has, therefore, opposed the grant of anticipatory bail.

7. I have considered the rival circumstances and submissions made. The applicant was earlier directed to attend the office of the Investigating Officer on every alternate day and the learned Public Prosecutor, on instructions, from the Investigating Officer, who is present before the Court, does not dispute that the applicant has so attended and is co operating with the investigating agency in the matter of investigation. Prima facie at this stage it appears that the present applicant had lodged a complaint against Rupesh Shetkar on 5/9/2014 and the complaint by Paitty Luis is subsequent to that i.e. on 25/9/2014. It would not be appropriate at this stage to refer, in details, to the material collected by the investigating officer, as the investigation is still in progress. However suffice it to mention that according to the complainant Paitty Luis on her own saying, it was

the co- accused Rupesh Shetkar, who had asked the complainant Paitty Luis to speak to the present applicant in connection with the assurance to provide the job. Prima facie at this stage there is nothing to show that such assurance was made by the applicant personally to the complainant. In that view of the matter and having regard to the fact that the applicant is co operating with the investigating agency, I find that the custodial interrogation of the applicant may not be required.

8. In the result, the following order is passed.

A) The Criminal Application is allowed.

B) In the event of his arrest in connection with the investigation of crime no.75/2014 by P.S. Maina Curtorim, the applicant shall be released on bail on execution of a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five thousand only) with one solvent surety in the like amount.

C) The applicant shall continue to attend the office of the I.O once in a week on every Monday between 4p.m. to 5p.m. and as and when required by the I.O. and shall co-operate with the investigation agency.

D) The applicant shall not influence or tamper with the prosecution

evidence or witnesses.

E) In the event of breach of any of the conditions by the applicant, the prosecution is at liberty to seek cancellation.

9. The criminal application is disposed of in the aforesaid terms.

C. V. BHADANG, J.

ap/-