

**IN THE HIGH COURT OF BOMBAY AT GOA****CRIMINAL APPLICATION (BAIL) NOS.236 AND 237 of 2015****CRIMINAL APPLICATION ( BAIL ) No. 236 OF 2015**

Sofia Pires.  
W/o Warren Pires  
Aged 29 years,  
Residing Near Dabolim,  
Railway Station, Alto Dabolim,  
Goa .. Applicant

Versus

State Of Goa,  
a. Through Public Prosecutor  
b. Through Police Inspector  
Vasco Police Station,  
Vasco, Goa .. Respondents

AND

**CRIMINAL APPLICATION ( BAIL ) No.237 OF 2015**

Selia Damshekar  
d/o Gangaram Damshekar  
Aged 27 years,  
Resident at H. no.210, Gandhinagar,  
Collem, Goa. .. Applicant

Versus

State Of Goa,  
a. Through Public Prosecutor  
b. Through Police Inspector  
Vasco Police Station,  
Vasco, Goa .. Respondent

Mr. Marvin D'souza, Advocate for the applicant in both the applications.

Mr. S. R. Rivankar, Public Prosecutor for the respondents in both the applications.

**CORAM :- C. V. BHADANG, J.**

**Date : 26<sup>th</sup> November, 2015.**

P.C.

The applicants are the co-accused in Crime No.120/2015, registered with P.S. Vasco Police Station under Sections 420, 465, 466, 468, 471 and Section 34 of Indian Penal Code (IPC). In both these applications the prayer is for anticipatory bail. As such, the applications are being disposed of by this common order.

2. It appears that as per the complaint lodged by one Chandrakant Parab on 18/05/2015, it was alleged that both the applicants claiming to be sisters had approached the complainant and his wife, befriended them and induced them to part with an amount of Rs.15 Lakhs, which was paid by the complainant in instalments. It was complained that the complainant had collected these amounts from his friends and relatives. The applicants had maintained that the said amount is necessary for their business. They had also informed the complainant that their Aunt Mrs. Concecio Diniz is working in London and has property in Collem, Goa and wishes to develop the said property and the said Aunt by name Mrs. Diniz, had given Power of Attorney to the applicants to develop her property. On 03/04/2014, the applicants, after persistent efforts, came up with the Power of Attorney. On the same day, they also executed an agreement and handed over some post dated cheques to the complainant. Ultimately, it transpired

that the Power of Attorney was forged and Mrs. Concecio Diniz had not executed any such Power of Attorney and the name of the Notary by name Rajkumar Naik at Margao and the registration number were also fake.

3. It appears that on the basis of the said complaint, an offence came to be registered in the year 2015 as aforesaid and investigation is stated to be in progress, in which, the Investigating Officer has recorded statements of the witnesses.

4. It is submitted on behalf of applicants that the applicants have co-operated with the Investigating Agency in pursuance of the order passed by this Court and their custodial interrogation is not necessary. It is submitted by the learned Counsel for the applicants that the applicant Sofia Pires in Criminal Application (Bail) No.236/2015 is holding a passport and she will surrender the same subject to orders of this Court. The learned Counsel, on instructions, submits that the applicant - Selia Damshekar in Criminal Application (Bail) No.237/2015 is not holding a passport. It is also undertaken that the applicants shall furnish their correct address along with proof to the Investigating Officer.

5. It is submitted by Shri Rivankar, the learned Public Prosecutor for the respondent that although the applicants had attended the Investigating Officer, they have not co-operated with

the Investigating Agency. It is necessary to trace the amounts allegedly received by the applicants and also to recover the original Power of Attorney. The learned Public Prosecutor fairly submits that having regard to the overall circumstances, appropriate orders be passed.

6. On hearing the learned Counsel for the parties and on perusal of the case diary, prima facie, it appears that the alleged offences pertain to January, 2013 and the complaint itself is lodged on 18/05/2015. That apart, it further, prima facie, appears that the Power of Attorney is claimed to have been handed over by the applicants to the complainant and in that view of the matter, it cannot be accepted at this stage that the custody of the applicants would be necessary, for recovery of the original Power of Attorney.

7. It further appears that the applicants had attended the Investigating Officer and have undertaken that they will continue to co-operate with the Investigating Agency as and when required. In such circumstances and having regard to the nature of the offence and the fact that substantial investigation is complete, I find that discretion can be exercised in favour of the applicants, subject to conditions. In such circumstances, the following order is passed :

ORDER

(i) In the event of arrest in connection with the

investigation of Crime No.120/2015 of P.S. Vasco, the applicants shall be released on bail on executing a P. R. Bond in the sum of Rs.25,000/-, with one or two solvent sureties in the like amount.

(ii) The applicant Sofia Pires in Criminal Application (Bail) No.236/2015 shall surrender the passport before the Judicial Magistrate, First Class, Vasco, within one week from today.

(iii) The applicants shall also furnish their correct address to the Investigating Officer, along with proof.

(iv) The applicants shall co-operate with the Investigating Agency as and when required and shall not tamper with or interfere with the prosecution evidence or witnesses.

(v) In the event of breach of any of the conditions, liberty to the prosecution to move for cancellation.

(vi) The parties to act on the authenticated copy of the order.

**C. V. BHADANG, J.**

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