

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 94 OF 2016

IN

CRIMINAL APPLICATION (BAIL) NO. 97 OF 2015

MR. CALVERT GONSALVES.

... Applicant

Versus

POLICE INSPECTOR, ACB/VIGILANCE
POLICE STATION AND ANR.,

... Respondents

Mr. Pandurang Shirodkar, Advocate for the Applicant.

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

Coram:- C. V. BHADANG, J.

Date:- 5th May, 2016

P.C.

This is an application for relaxation of condition imposed vide para 7(c) of the Order dated 20.04.2015 passed in Criminal Application (Bail) no. 97 of 2015.

2. An offence under Section 13(1)(e) read with Section 13(2) of the Prevention of Corruption Act 1988 has been registered against the Applicant on the allegation that the Applicant possesses assets which are disproportionate to his known sources of income. While granting bail, this Court had directed that he shall not visit Village Colva till the investigation is complete, except to attend the meeting of the Panchayat (as the Applicant is the member of the Panchayat). The Applicant was also directed to give 24 hours advance notice to the

Investigating Officer.

3. The Applicant now submits that his father has died on 02.05.2016 and he has to visit Colva for performing the religious rites and he is also seeking relaxation of condition generally.

4. The Respondent has filed a reply and has expressed no objection in so far as the visit of the Petitioner for performing the religious rites are concerned. However, the learned Public Prosecutor has expressed reservation for relaxing the condition generally, on the ground that the investigation is still in progress. The learned Public Prosecutor, on instructions of the Investigating Officer, states that the investigation may be completed within a period of approximately three months and chargesheet/final report would be filed. It is not disputed that after the Applicant was granted bail, there are no incidents in which the Applicant had threatened any of the witnesses. That apart, considering the nature of the offence registered, the evidence would mostly be in the form of documentary evidence.

5. Considering the fact that an year has lapsed after the Applicant was granted bail and during this period there are no allegations that the Applicant has misused the bail by threatening any of the witnesses or otherwise, I find that the application can be allowed. Consequently, the condition vide para 7(c) of the Order dated 20.04.2015 is hereby relaxed subject to the condition that the

Applicant shall not threaten any of the witnesses and/or tamper with the prosecution evidence in any manner.

6. Liberty to the Investigating Officer to move for cancellation/modification in the event there is breach of any of the conditions of bail.

7. The application is disposed of in the aforesaid terms.

C. V. BHADANG, J.

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