

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 141 OF 2016

SHRI. VISHWAMBHAR FADTE.

... Applicant

Versus

PONDA POLICE STATION, THR. P.I.
ATTACHED TO PONDA POLICE STATION
AND ANR.

... Respondent

Mr. Raviraj R. Chodankar, Advocate for the applicant.

Mr. Mahesh Amonkar, Additional Public Prosecutor for the
respondent nos.1 and 2.

Mr. A. Palyekar, Advocate for the original complainant.

Coram:- C. V. BHADANG, J.

Date:- 25th July, 2016

P.C.

Heard the learned Counsel for the applicant and the learned
Additional Public Prosecutor for the respondents as also the learned
Counsel appearing for the original complainant.

2. The applicant is seeking pre-arrest bail as the applicant is
apprehending arrest in connection with investigation of Crime
No.176/2016 of Police Station, Ponda, registered under Section 379
of Indian Penal Code (IPC, for short). The complaint was lodged on
16/05/2016 while the offence is registered on 14/06/2016. The
prosecution case, as disclosed from the complaint, is that the
applicant had committed theft of five fishing nets worth Rs.2 Lakhs

belonging to the complainant.

3. It is contended on behalf of the applicant that there is enmity and rivalry between the applicant and the complainant and the complaint is the outcome of the same. The learned Counsel points out that the applicant is ready and willing to comply with the conditions, that may be imposed by this Court.

4. I have perused the case diary. Prima facie, at this stage, it appears that the grounds, as required under Section 41-A of the Code of Criminal Procedure for arrest, are not recorded (See the case of ARNESH KUMAR VS. STATE OF BIHAR;(2014)8 SCC 273). Looking to the overall circumstances and the nature of offence, I find that the discretion can be exercised in favour of the applicant, subject to strict conditions. Hence, the following order is passed :

- (i) In the event of arrest in connection with the investigation of Crime No.176/2016, the applicant shall be released on bail on executing a P.R. Bond in the sum of Rs.15,000/-, with one solvent surety in the like amount.
- (ii) The applicant shall attend Police Station, Ponda twice a week i.e. on every Monday and Thursday between 10.00 a.m. and 1.00 p.m. and as and when required by the Investigating Officer.
- (iii) The applicant shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence or witnesses.
- (iv) The applicant shall not leave the jurisdiction of Police

Station, Ponda for a period of two weeks, without prior permission of the Investigating Officer.

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

(vi) The application is disposed of.

C. V. BHADANG, J.

SMA