

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 197 OF 2016

SHRI. SHARAD SALGAONKAR, PRESENTLY
IN JUDICIAL CUSTODY, THR. SMT.
ASHA SHARAD SALGAONKAR.,

... Applicant

Versus

STATE OF GOA, THR. PUBLIC
PROSECUTOR AND ANR.,

... Respondents

Shri D. Dhond with Shri Vibhav Rajiv Amonkar, Advocate for the
Applicant.
Shri P. Faldessai, Additional Public Prosecutor for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 13th October, 2016

P.C.:

Heard learned Counsel for the applicant and the learned
Additional Public Prosecutor for the respondents.

2. The learned Counsel for the applicant has extensively taken me through the evidence of PW3, who is the victim and PW12 Vandana. It is submitted that there are serious omissions and contradictions in the evidence of the victim about the spot of the incident. It is submitted that initially the victim had claimed that the incident had occurred at the house of Vandana and during trial she states that incident of her being sexually assaulted by the applicant, who is the accused no.2, had occurred in the forest area. It is also submitted that the DNA report does not implicate the applicant. It is submitted that

the applicant is the permanent resident of Goa and is unlikely to flee. It is submitted that two other co-accused have already been released on bail. It is also submitted that there is no possibility of witnesses being tampered by the applicant.

3. On the other hand, Shri Faldessai, the learned Additional Public Prosecutor has pointed out that the trial is at the fag end and only two Investigating Officers are yet to be examined. The learned Additional Public Prosecutor has referred to the evidence of PW3 wherein she had claimed that it was the applicant who had dropped her from the house of her grandmother to the house of Vandana and also to the statement of the victim that she was taken to the jungle area where she was sexually assaulted. It is submitted that PW12 Vandana has also claimed that it was the applicant who had dropped the victim to her house and that the victim was at the house of Vandana for about ten days.

4. On hearing the learned Counsel for the applicant and the learned Additional Public Prosecutor, I find that the trial is at the fag end in which only two Investigating Officers are yet to be examined. The Children's Court has also accepted that there are some contradictions and omissions in the evidence of PW3. However, it is necessary to bear in mind that this Court while hearing the application for bail cannot appreciate the evidence threadbare and preempt such exercise which is necessarily to be done at the trial. Prima facie, at this stage,

there is a statement of the victim as well as PW12 Vandana that it was the applicant who had dropped the victim from the house of her grandmother to the house of PW12 Vandana. The learned Additional Public Prosecutor states that an attempt will be made to complete the trial as expeditiously as possible and preferably by the end of November, 2016.

5. In such circumstances, the application is dismissed at this stage. The learned Children's Court shall proceed to hear the trial as expeditiously as possible and an endeavour shall be made to complete the same by 30/11/2016. Liberty to the applicant to renew his request for grant of bail in the event the trial is not so completed.

C. V. BHADANG, J.

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