

**IN THE HIGH COURT OF BOMBAY AT GOA**  
**CRIMINAL MISC. APPLICATION NO. 72 OF 2017**  
**IN**  
**CRIMINAL REVISION APPLICATION NO. 13 OF 2017**

SHRI. NAZEER AHMAD, PRESENTLY  
LODGED AT MODERN CENTRAL JAIL,  
COLVALE, THR. BABU BAGEWADI, ... Applicant  
Versus  
STATE, REP. THR. THE PUBLIC  
PROSECUTOR., ... Respondent

Mr. Chaitanya Padgaonkar, Advocate for the Applicant.  
Mr. P. Faldessai, Additional Public Prosecutor, for the  
Respondent.

Coram:- F. M. REIS, J.

Date:- 8th March, 2017

P.C.

Heard Shri. C. Padgaonkar, learned Counsel appearing for the Applicant and Shri. P. Faldessai, learned Additional Public Prosecutor, appearing for the Respondent.

2. This is an application for bail. The Applicant is stated to be involved in an accident and convicted by the learned J.M.F.C. The learned Sessions Judge dismissed the Appeal by Judgment dated 06.03.2017 filed by the Applicant whereby the Applicant has been convicted for offenses punishable under Section 279 and Section 304-A of the Indian Penal Code, thereby directed to undergo imprisonment for a period of 3 months pending payment of fine and compensation.

3. It is pointed out by the learned Counsel appearing for the Applicant that the accident occurred on account of the failure of the brakes of the vehicle and as such the findings of the learned Judge that the prosecution has established the charge is erroneous. It is also pointed out by the learned Counsel that the Applicant was on bail during the trial before the JMFC as well as the Appeal before the learned Sessions Judge.

4. The learned Public Prosecutor submits that the Applicant has been directed to undergo imprisonment of only 3 months and as such submits to the Orders of the Court.

5. In the peculiar facts and circumstances of the case, taking note of the fact that the Applicant was on bail during the pendency of the trial and also when the matter was pending before the learned Sessions Judge, I find that the Applicant is entitled to be released on bail subject to the following conditions:

i) The Applicant is directed to be released on bail on execution of personal bond of Rs.20,000/- and one surety of like amount to the satisfaction of the learned Registrar (Judicial) of this Court.

ii) The Applicant to remain present in this Court as and when the Revision is placed for hearing.

iii) The Applicant shall deposit the amount of fine and compensation awarded in the impugned Judgment, before this

Court.

6. Application stands disposed of, accordingly.

7. Authenticated copy of this Order be issued to the parties in accordance with law.

F. M. REIS, J.

msr