

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO.145 OF 2017

Mr. Firoz Shaikh ... Applicant

Versus

State, through Public Prosecutor & Anr. ... Respondents

Shri Arun Bras De Sa, Advocate for the Applicant.
Shri S.R. Rivankar, Public Prosecutor for the Respondents.

Coram:- NUTAN D. SARDESSAI, J.

Reserved on :- 7th July, 2017

Pronounced on:-13th July, 2017

ORDER :

Heard Shri Arun Bras De Sa, learned Advocate for the applicant and Shri S.R. Rivankar, learned Public Prosecutor for the respondents.

2. The applicant is seeking his pre-arrest bail since he is apprehending his arrest by the respondents in connection with the investigation in the Crime No.133/2017 registered in the office of the respondent no.2 under Sections 323, 504, 325, 354 and 379 IPC and Section 8 of the Goa Children's Act, 2003. The prosecution case as disclosed from the complaint is that the applicant had abused the complainant with filthy language when he had come to the spot on receiving a

telephonic call from his wife informing him that she had met with an accident near the old survey office Borda, Margao. The applicant had come aggressively towards him, punched him on his nose with the car keys, started assaulting him with kicks and fist blows on his back and face and was taking away his MI cell phone which fell down in the course of the scuffle. The applicant had also abused his minor daughter, assaulted her with blows on her chest, caught her hair and pushed her and for which he had lodged the complaint against the applicant and three others.

3. It was contended by Shri Arun Bras De Sa, learned Advocate for the applicant that he had come to the spot since he had received a frantic call from his friend Ehila Sheikh, who was driving the Wagon R car and to which the wife of the complainant had given a dash on account of the fast speed, rashness and negligence at her instance causing severe damage to the Wagon R car of his friend. The complainant had also started abusing his friend Ehila Sheikh and his wife. The complainant had called a local MLA and in the course of the verbal altercation, the complainant assaulted him with the fist blows and he tried to defend himself. It was also his

contention that it was a simple case of a vehicular accident which had arisen on account of the fault of the complainant's wife which had resulted in the fracas and there was no basis in the case of the complainant that he had either abused and/or assaulted the complainant, his wife and his daughter as alleged in the complaint. The applicant was ready to abide by any terms and conditions as may be imposed by this Court and therefore he had to be secured with the orders of a pre-arrest bail. Shri S.R. Rivankar, learned Public Prosecutor on behalf of the State opposed the pre-arrest bail on the premise that it was a case of road rage which had turned violent. The applicant was absconding since the commission of the offence and whose custodial interrogation was necessary in the Crime. A serious view was required to be taken and therefore he was not entitled to such benefit.

4. i have perused the record relied upon on behalf of the State, the complaint of the complainant, the scene of offence panchanama and besides the statement of the wife of the complainant and his minor daughter. The nature of the offences alleged in the complaint apart from the circumstances of the case necessitate the exercise of

discretion in the applicant's favour subject to conditions being imposed in that regard. Besides, the offence under Sections 323, 504 and 325 IPC are bailable in nature though the offence under Section 354 and 379 IPC and Section 8 of the Children's Act are otherwise. Be that as it may, looking to the records of investigation, I pass the following order:

O R D E R

- (i) In the event of arrest in connection with the investigation in the Crime No.133/2017, the applicant shall be released on bail on executing a personal bond in the sum of ₹10,000/- with one solvent surety in the coextensive amount.
- (ii) He shall attend the Margao Police Station twice a week on every Monday and Wednesday between 10.00 hrs. till 13.00 hrs. and as and when required by the Investigating Officer.
- (iii) He shall co-operate with the course of investigation and shall not tamper with the prosecution evidence or witnesses.
- (iv) He shall not leave the jurisdiction of the Margao Town City for a period of two weeks without the prior permission of the Investigating

Officer, and

(v) In the event of any breach of the conditions, the prosecution is at liberty to move for the cancellation of such pre-arrest bail.

(vi) The application stands disposed off accordingly.

NUTAN D. SARDESSAI, J.

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