

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO. 149 OF 2017

MR. SANTOSH RIVANKAR.,	... Applicant
Versus	
STATE, THR. POLICE INSPECTOR, PORVORIM, POLICE STATION, PORVORIM.,	... Respondent

Shri Anthony Joe D'Silva, Advocate for the Applicant.

Shri Mahesh Amonkar, Additional Public Prosecutor for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 20th June, 2017

P.C:

This is an application for anticipatory bail. The applicant is apprehending arrest in connection with investigation of Crime No. 76/17, registered with Porvorim Police Station under Sections 447, 427, 341, 352, 504 and 506(ii) read with Section 34 of IPC.

2. There appears to be a dispute between the applicant and the complainant in respect of a residential flat. The applicant is admittedly a tenant of the complainant in respect of the said flat. According to the complainant, the applicant had vacated the said flat. However, the applicant alongwith his brother in furtherance of their common intention broke the lock of the flat and criminally trespassed into the same, which was vacated by the

applicant on 01.04.2017 on expiry of the leave and license agreement. It is further claimed that the applicant threatened the complainant with a knife. The incident had occurred on 19.04.2017, of which a complaint was lodged on 27.04.2017. The offence came to be registered on 24.05.2017 and the investigation is stated to be in progress.

3. The prosecution opposed the application before the learned Sessions Judge on the ground that the custody of the applicant is required for recovery of the knife, which was used for threatening the complainant. Accepting the same, the application for anticipatory bail came to be rejected on 07.06.2017 by the learned Sessions Judge.

4. I have heard Shri D'Silva, the learned Counsel for the applicant and Shri Amonkar, the learned Additional Public Prosecutor for the respondent.

5. Prima facie, it appears that there is a dispute between the applicant and the complainant as to the possession of the said flat. Prima facie, at this stage, the only allegation is that the applicant had threatened the complainant with a knife. The learned Additional Public Prosecutor, in all fairness, submits that there is no case of any assault as such. Merely for the purpose of the recovery of the knife, which was allegedly used, the custodial

interrogation may not be required. Thus, in my considered view, discretion can be exercised, subject to conditions.

6. Hence, the following order is passed:

O R D E R

(a) In the event of arrest of the applicant in connection with Crime No. 76/17 registered with Porvorim Police Station, the applicant shall be released on bail on furnishing a P.R. Bond in the sum of Rs.25,000/-, with one or two solvent sureties in the like amount.

(b) The applicant shall attend Porvorim Police Station on every Monday and Thursday between 11:00 a.m. to 1:00 p.m. and as and when required by the Investigating Officer.

(c) The applicant shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence and/or witnesses.

(d) In the event of breach of any of the conditions, the order is liable to be recalled.

C. V. BHADANG, J.

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