

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 206 OF 2017
IN
CRIMINAL WRIT PETITION NO. 141 OF 2017

SADIK ALI, PRESENTLY IN JUDICIAL
CUSTODY AT COLVALE JAIL, THR.
APOLIANO ALVARES., ... Applicant

Versus

STATE, THR. POLICE INSPECTOR,
MARGAO TOWN POLICE STATION,
MARGAO AND 2 ORS., ... Respondents

Shri Galileo Francisco Teles, Advocate for the applicant.

Shri M. Amonkar, Additional Public Prosecutor for the
respondents no.1 and 3.

Respondent no.2 present in person.

**Coram:- NUTAN D. SARDESSAI &
PRITHVIRAJ K. CHAVAN, JJ.**

Date:- 31st August 2017

P.C.

Heard Shri G. Teles, learned Advocate for the
applicant.

2. On this application for suspension of sentence
passed by the learned J.M.F.C. and upheld by the learned

Sessions Judge vide the judgment dated 19.06.2017, Shri Teles submits that the applicant who was on bail had thereafter surrendered before the learned J.M.F.C. pursuant to the directions of this Court and in that context produced a certified extract of the application alongwith the order passed by the learned J.M.F.C. dated 21.08.2017 committing him to custody.

3. Shri M. Amonkar, learned Additional Public Prosecutor on behalf of the State has no serious objection to the enlargement of the applicant on bail. It has been submitted by Shri Teles, learned Advocate for the applicant that the applicant had been on bail consistently throughout the trial and thereafter on suspension of sentence by the learned Sessions Judge and it is only pursuant to the directions of this Court had he surrendered before the learned J.M.F.C. and committed himself to the custody.

4. The offences with which the applicant is convicted are those under Sections 279 and 338 of the Indian Penal Code for a period of three months and six months

respectively. Considering the nature of the offences for which he has been convicted and that he was enlarged on bail and committed himself to the custody pursuant to the directions issued by this Court, in exercise of the powers in terms of Section 389 read with Section 482 of the Criminal Procedure Code, we deem it appropriate to release him on bail on executing a personal bond in the amount of ₹15,000/- and a local surety to the satisfaction of the learned J.M.F.C. It goes without saying that the sentence confirmed by the learned Sessions Judge shall stand accordingly suspended.

5. It has also been brought to our notice by Shri Teles, learned Advocate for the applicant that the respondent no.2/original complainant is present in Court today who has filed an affidavit primarily giving his consent to the compounding of the offence particularly that under Section 279 of the Indian Penal Code which shall be dealt with on its own merits.

6. The application stands disposed off accordingly.

7. Authenticated copy of the order be issued to the parties.

PRITHVIRAJ K. CHAVAN, J. NUTAN D. SARDESSAI, J.

at*