

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 157 OF 2017

PAULINA FERNANDES, THR. HER MOTHER
SANTANA FERNANDES., ... Petitioner

Versus

STATE OF GOA, THR. THE PUBLIC
PROSECUTOR AND 2 ORS., ... Respondents

Shri Balkrishna Prakash Sardessai, Advocate for the petitioner.
Shri M. Amonkar, Addl. Public Prosecutor for the respondent
nos.1 and 2.

Coram:- C. V. BHADANG &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 14th September 2017

P.C.

The petitioner is challenging the order dated 7.9.2017 passed by the learned Additional Sessions Judge, South Goa at Margao which is styled as a provisional order. The learned Sessions Judge while entertaining an application for anticipatory bail filed by the respondent no.3 has passed the following Order:-

- i. The applicants shall report to the IO for a period of 3 days from tomorrow i.e.8.9.2017 from 9.00 a.m to 6.00 p.m. and shall co-operate with the investigation.
- ii. The Applicant shall not temper with evidence or witnesses.
- iii. In the event of the police making out a case of a likely

discovery under Section 27 of the Evidence Act, the Applicants, if released on bail, shall be liable to be taken in police custody for a limited period of facilitating the discovery.

2. It is contended that after the said order was passed some unidentified persons had threatened/intimated Ms.Trivita Fernandes who was supporting the petitioner. It is thus contended that there is breach of said order as the learned Sessions Judge had directed the third respondent not to tamper with the prosecution evidence or the witnesses.

3. On hearing the learned Counsel for the petitioner and the learned Addl. Public Prosecutor for the respondent nos.1 and 2, we find that main application for seeking Anticipatory Bail is still pending before the learned Sessions Judge. If there is any breach of condition as imposed in the Provisional Order, the petitioner can always bring it to the notice of the learned Sessions Judge, who can take the same into consideration while deciding the application. With this no case for interference is made out.

4. Criminal Writ Petition is accordingly disposed of.

PRITHVIRAJ K. CHAVAN, J.

C. V. BHADANG, J.