

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 252 OF 2017
IN
CRIMINAL APPEAL NO. 37 OF 2017

RAVI RATHOD, PRESENTLY IN CENTRAL
JAIL, COLVALE, THR., RAJU TANU
RATHOD.,

... Applicant

Versus

STATE, THR. PUBLIC PROSECUTOR.,

... Respondent

Mr. Amay Arjun Phadte, Advocate for the applicant.

Mr. Mahesh Amonkar, Additional Public Prosecutor for the
respondent.

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

Date:- 28th September 2017

P.C.

This is an application for release of the applicant/ accused on
bail.

2. The State has filed Criminal Appeal No.37/2017, challenging the acquittal of the applicant from the offence punishable under Section 302 of Indian Penal Code (IPC, for short). The learned Sessions Judge has convicted the applicant for the offence punishable under Section 304 Part I of IPC and the applicant has been sentenced to suffer Simple Imprisonment for five years and

to pay compensation of Rs.5,000/- and in default, to undergo Simple Imprisonment for two months. Indisputably, the applicant was in custody during the course of the trial and has spent approximately five years in jail. The learned Sessions Judge, in an action under Section 390 of the Code of Criminal Procedure (Code, for short), has refused to release the applicant on bail. Hence, this application.

3. We have heard the learned Counsel for the applicant and the learned Additional Public Prosecutor for the respondent.

4. The applicant has been convicted for offence punishable under Section 304 Part I of IPC and has been sentenced to suffer imprisonment for five years. The applicant has already spent approximately five years in jail. The applicant is resident of Karnakata and is willing to furnish local surety.

5. The learned Additional Public Prosecutor submits that subject to appropriate conditions about furnishing of local surety, this Court may consider the prayer for bail.

6. In the result, the following order is passed :

- (i) The applicant be released on bail on furnishing
a P.R. Bond in the sum of Rs.25,000/-, with one or two

sureties, out of which one surety shall be a local surety.

(ii) The applicant shall furnish his permanent address along with proof before the learned Sessions Judge and shall undertake to remain present before this Court as and when required.

(iii) Bail bonds to be furnished before the learned Sessions Judge.

(iv) The application is disposed of in the aforesaid terms.

(v) Parties to act on the authenticated copy of the order.

PRITHVIRAJ K. CHAVAN, J.
SMA

C. V. BHADANG, J.