

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC APPLICATION (BAIL) NO. 294 OF 2017

Mr. Sai Kundaikar,
Son of Mr. Tulsidas Kundaikar,
26 years of age, Bachelor,
Unmarried, Indian National,
Resident of St. Caitano Waddo,
H. No. 348, Tiswadi North,
Merces Goa
and presently in Judicial Custody, At
Central Jail,
Colvale, Mapusa, Goa
Through his next friend, his father
Mr. Tulsidas Kundaikar,
56 years, Married,
Indian National,
Resident of St. Caitano Waddo,
H. No. 348, Tiswadi North,
Merces Goa.

...Applicant

Versus

1 State of Goa
(through officer in charge,
Old Goa Police Station,
Old Goa, Tiswadi Goa)

2 Public Prosecutor,
High Court of Bombay at Panaji
Goa.

...Respondents

Shri S. G. Desai, Senior Advocate with Shri Pavithran A.V.,
Advocate for the Applicant.

Shri P. Faldessai, Additional Public Prosecutor for the
Respondents.

CORAM: NUTAN D. SARDESSAI, J.

Dated : 24th November 2017

O R D E R :-

Heard Shri S.G. Desai, learned Senior Counsel with Shri A.V. Pavithran, Advocate for the Applicant and Shri P. Faldessai, learned Additional Public Prosecutor on behalf of the State.

2. It was the contention of Shri S. G. Desai, learned Senior Counsel that the applicant was a victim of circumstances in a bizarre incident which took place in the vicinity of the hotel at Mercedes and that he was falsely implicated in the Crime. He had therefore to be enlarged on bail and as no offence under Section 307 I.P.C. was made out against him and besides, the investigation in the case was substantially over.

3. Shri P. Faldessai, learned Additional Public Prosecutor conceded that the chargesheet had been filed in the matter and that although the offences under Section 307 I.P.C. was listed as one of the offences against the applicant, there was no material to that effect on record.

4. I have considered all the submissions of Shri S.G. Desai, learned Senior Counsel and Shri P. Faldessai, learned Additional Public Prosecutor and the records of investigation and on a

consideration thereof and particularly when the offence under Section 307 I.P.C. is not made out against the applicant, he would be entitled to the benefit of bail.

5. In the circumstances of the matter, i am inclined to allow the application and pass the following:

O R D E R

(i) The applicant shall be released on bail on execution of a Bail Bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) with one local surety in the like amount to the satisfaction of the learned Sessions Judge, North Goa.

(ii) He shall not tamper with the witnesses in any manner or otherwise hinder the course of investigation.

(iii) He shall make himself available, if required, for any further investigation.

(iv) The application stands disposed off in the aforesaid terms.

6. Authenticated copy of this order be expedited.

NUTAN D. SARDESSAI J.

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