

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC APPLICATION (BAIL ) NO. 307 OF 2017  
AND

CRIMINAL MISC APPLICATION (BAIL ) NO. 308 OF 2017

**CRIMINAL MISC APPLICATION (BAIL ) NO. 307 OF 2017**

Mr. Suraj @ Babu Shetye  
40 years of age,  
Unemployed,  
Resident of House No. Flat No.01,  
Valan Paraside,  
Merces Tiswadi Goa,  
and presently in Judicial Custody,  
Central Jail,  
Colvale, Bardez, Goa  
Through Next friend  
Mr. Latikant Shetye  
65 years of age,  
Government Servant  
r/o House No. Flat No.1  
Valan Paradise, Merces,  
Tiswadi, Goa.

...Applicant

*Versus*

1 State of Goa  
Through Public Prosecutor  
Hon'ble High Court of Bombay  
At Panaji, Goa.

2 Police Inspector,  
Old Goa Police Station,  
Old Goa.

...Respondents

WITH

**CRIMINAL MISC APPLICATION (BAIL ) NO. 308 OF 2017**

Mr. Vishal Golatkar  
30 years of age,  
Unemployed,  
Resident of House No. 456,  
Vailem Bhat,  
Merces Tiswadi Goa,  
and presently in Judicial Custody,  
Central Jail,  
Colvale, Bardez, Goa  
Through Next friend  
Ms. Vinda Golatkar,  
29 years of age,  
Pvt. Service and  
Permanent resident of  
House No. 456,  
Vailem Bhat, Merces,  
Tiswadi, Goa.

...Applicant

*Versus*

- 1 State of Goa  
Through Public Prosecutor  
Hon'ble High Court of Bombay  
At Panaji, Goa.
- 2 Police Inspector,  
Old Goa Police Station,  
Old Goa.

...Respondents

Shri Arun Bras De Sa, Advocate for the Applicants.

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

**CORAM: NUTAN D. SARDESSAI, J.**

**Dated : 24th November 2017**

**ORDER :-**

Heard Shri Arun Bras De Sa, learned Counsel for the applicants and Shri P. Faldessai, learned Additional Public Prosecutor for the Respondent.

2. It was the contention of Shri De Sa, learned Counsel for the applicants that both the applicants were innocent bystanders who were subjected to assault by the occupants of the tourist bus. They were mercilessly and severely assaulted and for which a countercomplaint was filed against the complainant and the other occupants of the bus. The incident of assault was recorded on mobile devices and therefore, in the circumstances and considering that the chargesheet had been filed in the matter, the applicants were entitled to be released on bail on such terms and conditions as deemed fit by this Court.

3. Shri P. Faldessai, learned Additional Public Prosecutor conceded in all fairness that the chargesheet had been filed in the matter though disputing the case urged on behalf of the applicants that they were innocent and victims of assault by the occupants of the bus.

4. In any event, i have perused the contents of the applications, the say filed on behalf of the State and find that there is least likelihood of the applicants tampering with the witnesses who are admittedly outstation witnesses. In any event, the offence under Section 307 IPC is not clearly made out against the applicants. It is another matter that Shri P. Faldessai, learned Additional Public Prosecutor contended that the applicants have been involved in other Crimes. But Shri De Sa, learned Counsel on their behalf submitted that the applicants had been enlarged on bail in those Crimes and they were not involved in serious offences. Be that as it may, i am satisfied that the applicants have made out a case for their release on bail.

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

### **O R D E R**

(i) The applicants shall be released on bail on execution of Bail Bonds in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) each with one local surety in the like amount to the satisfaction of the

learned Sessions Judge, North Goa.

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

(iii) They shall make themselves available, if required, for any further investigation.

(iv) The applications stand disposed off in the aforesaid terms.

6. Authenticated copy of this order be expedited.

**NUTAN D. SARDESSAI, J.**

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