

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO. 14 OF 2018

SIDDHARTH BARSE, PRESENTLY AT
CENTRAL JAIL COLVALE., ... Applicant

Versus

STATE OF GOA, THR. OFFICER
INCHARGE OLD GOA POLICE STATION,
OLD GOA AND ANR., ... Respondents

Adv. Pavithran A.V. for the Applicant.
Mr. S. R. Rivankar, Public Prosecutor for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 7th March 2018

Oral Order:

This is an application for bail by the applicant, who is the accused no.2 in a trial for offence punishable under sections 342, 395, 427 of I.P.C. In the charge sheet an offence under section 8 of the Goa Children's Act, 2003 was also added. However, all the accused including the applicant have been discharged of the said offence.

2. On hearing the learned counsel for the applicant and the learned Public Prosecutor for the respondent and perusal of the charge sheet prima facie it appears that the only material against the applicant is about the call data record (CDR) in which it is alleged that the applicant was found in the vicinity of the house

of the complainant where the house breaking and dacoity had allegedly taken place. The second piece of evidence is a confessional statement by the co accused naming the applicant as a co accused who was involved in the offence.

3. The learned Sessions Judge has rejected the application for bail inter alia on the ground that the applicant is from Ahmendagar, Maharashtra and would abscond and/or tamper with the prosecution evidence and witnesses.

4. In this case, some of the accused have already been released on bail. Albeit the allegation against these accused i.e accused no.3 and 4 is that they had helped the applicant and others in the commission of the offence. However the fact remains that the investigation is complete and the charge sheet is filed. Prima facie looking to the material available against the applicant, I find that the applicant can be released on bail subject to certain conditions, so as to take care of the apprehension expressed on behalf of the State. In the circumstances, the following order is passed:

ORDER:

(i) The applicant shall be released on bail on execution of P.R Bond in the sum of Rs.50,000/- (Rupees Fifty thousand only)

with two solvent sureties in the sum of Rs.25,000/- each, out of which, one surety shall be a local surety.

(ii) The applicant shall furnish his permanent residential address along with proof before the learned Sessions Judge;

(iii) The applicant shall not interfere and/or tamper with the prosecution witnesses in any manner.

(iv) In the event of breach of any of the conditions, the bail is liable to be cancelled.

(v) The Bail Bonds to be furnished before the learned Sessions Judge.

(vi) Authenticated copy of this order be issued.

C. V. BHADANG, J.

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