

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 69 OF 2018

ARVIND KUMAR KATARIA, PRESENTLY IN
POLICE CUSTODY, ANJUNA POLICE
STATION, THR. LAKHMICHAND
KATARIA.,

... Applicant

Versus

STATE, THR. ANJUNA POLICE STATION,
ANJUNA AND ANR.,

... Respondents

Shri S. D. Lotlikar, Senior Advocate and Ms. A. Naik and Ms.
M. Furtado, Advocates for the applicant.

Shri M. Amonkar, Additional Public Prosecutor for the
respondents.

Coram:- C. V. BHADANG, J.

Date:- 19th March 2018

P.C.

This is an application for bail. The applicant is arrested in connection with investigation of Crime No.27/2018 of Police Station, Anjuna, for the offences punishable under Sections 364, 376 and 506 II of Indian Penal Code (IPC), read with Section 8 of the Goa Children's Act and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2. I have heard Shri Lotlikar, the learned Senior Counsel for the applicant and Shri Amonkar, the learned Additional Public Prosecutor for the respondents. Perused record and the case

diary.

3. It would neither be necessary nor appropriate to set out the details of the investigation and the contents of the case diary in as much as the investigation is still in progress. However, prima facie, it appears that the girl, who is presently aged 16 years, had left her house of her own accord. In so far as the offence under Section 376 is concerned, prima facie it appears that first of such incident is alleged to have happened in October, 2016. The incident, which is the subject matter of the offence, is alleged to have happened on 26/01/2018 while the complaint is lodged on 19/02/2018. The applicant was arrested on 22/02/2018 and is presently in judicial custody.

4. The bail is opposed on the behalf of the respondents on the ground that the offence is serious and the statement of some witnesses from Karnataka, with whom the girl claims to have stayed after she left her house, are yet to be recorded. The fact remains that the custody of the applicant is not necessary for the purpose of investigation. The apprehension expressed on behalf of the respondents about the applicant not being available for investigation/ trial, can be taken care of by imposing appropriate conditions. The applicant is stated to be doing business in Goa. Considering the overall circumstances, the following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The applicant shall be released on bail on condition of executing a P.R. Bond in the sum of Rs.50,000/-, with two solvent sureties of Rs.25,000/- each, out of which at least one surety shall be a local surety.
- (iii) The applicant shall furnish his native/ permanent address as well as the local address along with proof before the learned Children's Court.
- (iv) The applicant shall attend the Investigating Officer once in every week on Monday between 10.00 a.m. and 1.00 p.m. and as and when required by the Investigating Officer.
- (v) The applicant shall not directly or indirectly make an attempt to contact or influence or threaten the prosecution witnesses in any manner.
- (vi) In the event of breach of any of the conditions, the bail is liable to be cancelled.
- (vii) Bail bonds to be furnished before the learned Children's Court.
- (viii) Parties to act on the authenticated copy of the order.

C. V. BHADANG, J.