

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 126 OF 2018

**ANWAR SHAIKH, IN JUDICIAL CUSTODY
AT CENT. JAIL COLVALE, REP. BY HIS
NEXT FRIEND, BADRUN BI SHAIKH.,**

... Applicant

Versus

**THE STATE OF GOA, THR. POLICE
INSPECTOR, CUNCOLIM POLICE
STATION.,**

... Respondent

Shri Ryan Da Piedade Menezes, Advocate for the applicant.

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

Coram:- C. V. BHADANG, J.

Date:- 26th April 2018

P.C.

Heard the learned Counsel for the applicant and the learned Additional Public Prosecutor for the respondent.

2. This is an application for bail. The applicant herein is arrested in connection with investigation of Crime No.13/2018 of Police Station, Cuncolim, for the offence punishable under Section 395 of Indian Penal Code (IPC). Out of the five accused, four accused have already been released on bail by the learned Sessions Judge. Parity is denied to the present applicant only on the ground of criminal antecedents of the applicant. A perusal of

para 8 of the reply filed by the Investigating Officer, would show that in all 14 offences have been registered against the applicant. The learned Additional Public Prosecutor was asked to verify what is the stage of the investigation or trial in respect of the said offences. The learned Additional Public Prosecutor submits that out of 14 offences, four are under investigation and chargesheet is filed in respect of two. He further points out that the applicant has been acquitted in five cases and 'A' final summary was filed in respect of two offences and one has been compounded.

3. It can, thus, be seen that at present there are six offences, which are subsisting, out of which four are said to be under investigation.

4. Shri Amonkar, the learned Additional Public Prosecutor has submitted that the investigation is practically complete and only identification parade is to be carried out.

5. The third proviso to Section 437 of Cr.P.C. would make it clear that conduction of identification parade, is not a sufficient ground for refusing to grant bail, if the applicant is otherwise entitled to be released on bail. Prima facie, at this stage, it appears that the only material against the applicant is recovery of a vehicle.

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

ORDER

- (i) The applicant shall be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (ii) The applicant shall attend the Investigating Officer every day between 10.00 a.m. and 1.00 p.m., for a period of two weeks and thereafter, as and when required by the Investigating Officer.
- (iii) The applicant shall not tamper with the prosecution evidence or witnesses and shall not commit any offence while on bail.
- (iv) Bail bonds to be furnished before the learned Sessions Judge.
- (v) In the event of breach of any of the conditions, bail is liable to be cancelled.
- (vi) The application is disposed of.

Parties to act on the authenticated copy of the order.

C. V. BHADANG, J.

SMA