

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (MAIN) NO. 148 OF 2017

SONI DUPAR., ... Applicant

Versus

STATE OF GOA, THR. PUBLIC
PROSECUTOR AND 2 ORS., ... Respondents

Shri Dharmanand R. Vernekar, Advocate for the Applicant.

Shri Mahesh Amonkar, Additional Public Prosecutor for the
Respondent Nos. 1 and 2.

Shri Pavithran A.V., Advocate for the Respondent No. 3.

Coram:- C. V. BHADANG, J.

Date:- 26th February 2018

P.C:

Heard Shri Vernekar, the learned Counsel for the applicant,
the learned Additional Public Prosecutor for the respondent nos.
1 and 2 and Shri Pavithran, the learned Counsel for the
respondent no. 3.

2. This is an application for cancellation of bail granted by this
Court vide order dated 11.05.2017, passed in Criminal
Application (Bail) No. 119/2017. This Court had granted bail to
the respondent no. 3 on certain conditions, including that the
respondent no. 3 shall not directly or indirectly make any
inducement, threat or promise to any person acquainted to the
facts of the case so as to dissuade him to disclose such facts to

the Court or to any other authority or tamper with the evidence.

3. Undisputedly, respondent no. 3 is a resident of Gujarat, while some of the witnesses are from Delhi. The applicant is also a resident of Delhi. It is contended that there was an incident, in which, certain persons acting on behalf of the respondent no. 3, threatened the witnesses at Delhi.

4. Shri Vernekar, the learned Counsel for the applicant submits that since the incident happened at Delhi, a complaint is filed at Delhi. He contended that the video recording of the incident, which is alleged to have happened at Delhi, is produced before the Investigating Officer. It is also submitted that there is a complaint lodged against the respondent no. 3 in Goa about the tampering with the witnesses.

5. It is submitted by the learned Additional Public Prosecutor for the respondent nos. 1 and 2 that the genuineness of the CD is not known and at present, the prosecution does not have any verified material, to seek cancellation.

6. Normally, a bail cannot be cancelled on mere lodging of a complaint of tampering with the prosecution evidence or witnesses. The Court is required to have some material about the veracity of the complaint and the outcome of the investigation in

such complaints. Thus, reserving liberty to the applicant and/or the State, to renew the request for cancellation of bail, in the event, there is any material found by the investigating agency, in respect of the complaint lodged by the applicant, at this stage, no case for interference, is made out. The application is accordingly dismissed.

C. V. BHADANG, J.

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