

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 201 OF 2018

**DAVID JOHNSON, PRESENTLY AT
COLVALE CENTRAL JAIL.,**

... Applicant

Versus

**THE STATE OF GOA, THR. THE LEARNED
PUBLIC PROSECUTOR AND ANR.,**

... Respondents

**Shri Narendra Jain with Shri Raja Ratan Bhura and Shri Gaurang
D. Panandiker, Advocates for the Applicant.**

Shri S.R. Rivankar, Public Prosecutor for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 21st August 2018

P.C.

Heard for some time.

2. The learned Counsel for the applicant has placed reliance on the decision of the Hon'ble Supreme Court in the case of MOHAN LAL Vs. THE STATE OF PUNJAB, in Criminal Appeal No. 1880/2011, decided on 16.08.2018, in order to submit that in a case of the present nature, the complainant and the investigating officer cannot be the same police officer. It is pointed out that in the present case, the complainant and the investigating officer is the same.

3. Evidently, this ground was not pressed before the learned Sessions Judge. Considering the circumstances, the learned Counsel for the applicant, on instructions, seeks leave to withdraw the application, with liberty to approach the learned Sessions Judge, afresh, for bail. He submits that the learned Sessions Judge be directed to decide the application as expeditiously as possible.

4. In such circumstances, the criminal application (bail) is disposed of, with liberty to the applicant to approach the learned Sessions Judge, afresh, for grant of bail. If such an application is filed, the learned Sessions Judge shall decide the same as expeditiously as possible and preferably within a period of two weeks. Needless to mention that this Court has not expressed any opinion on the merits of the application and the learned Sessions Judge shall decide the same on its own merits and without being influenced by the observations made in order dated 05.07.2018 and in accordance with law.

C. V. BHADANG, J.

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