

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 291 OF 2017

**HIRO KEWALRAMANI, PRESENTLY IN
JUDICIAL CUSTODY AT COLVALE JAIL.,** ... Applicant

Versus

**STATE THR. POLICE INSPECTOR,
ANJUNA POLICE STATION AND ANR.,** ... Respondents

Shri Jitendra P. Supekar, Advocate for the Applicant.

Shri S.R. Rivankar, Public Prosecutor for the Respondent Nos. 1 and 2.

Shri S.G. Desai, Senior Advocate with Shri Galileo Teles, Advocate for the Respondent No. 3.

Coram:- C. V. BHADANG, J.

Date:- 9th March 2018

P.C:

This is an application for bail. The applicant happens to be the accused no. 3. The applicant along with the co-accused has been charge sheeted for the offence punishable under Sections 384, 388, 420, 467, 468, 471, 474, 109, 114, 115, 182, 193, 195, 199, 200, 205, 201, 120-B read with Section 34 of the Indian Penal Code (IPC, for short).

2. The gravamen of the allegations are that there is a property dispute between the complainant-Kishor Keswani and the accused no. 1-Anil Jaisinghani in respect of a property situated at Ulhasnagar. According to the prosecution, in order to pressurise

and dispossess the complainant-Kishor Keswani, a false case of rape was registered against Kishor Keswani at P.S. Anjuna with the help of a girl, who was allegedly involved in the conspiracy along with others. The investigation is complete and the chargesheet is filed, reserving liberty to file an additional chargesheet, in as much as, accused no. 1-Anil Jaisinghani is not yet apprehended.

3. In this case, the concerned girl (accused no. 2), with the help of whom, the alleged false FIR was lodged has been released on regular bail. One of the co-accused has been granted pre-arrest bail, by this Court on 27.02.2018 in Criminal Application (Bail) No. 295/2017, after noticing that except the offence under Section 467 of IPC, which is punishable for life, all other offences are punishable for imprisonment upto seven years. Even, insofar as Section 467 of IPC is concerned, prima facie, it is not shown as to which is the valuable security in respect of which, the said offence is allegedly committed.

4. I have heard Shri Supekar, the learned Counsel for the applicant, Shri Rivankar, the learned Public Prosecutor for the respondent nos. 1 and 2 and Shri Desai, the learned Senior Counsel for the respondent no. 3.

5. Shri Desai, the learned Senior Counsel for the respondent no.

3 has submitted that the present applicant is the brother-in-law of the main accused no. 1, who is still at large. It is submitted that filing of a false case is a serious offence and in the event, the applicant is released on bail, he may tamper with the prosecution evidence and may not be available for trial.

6. I have considered the circumstances and the submissions made. The record discloses that this Court had granted interim bail to the applicant vide order dated 12.10.2017 on certain conditions. It is neither alleged nor shown that the applicant has committed breach of any of the conditions. In the confessional statement of the accused no. 2, the present applicant is not named as one of the conspirators. Prima facie, having regard to the fact that the investigation is complete and the custody of the applicant is not required, I find that discretion can be exercised, subject to conditions, so as to take care of the apprehension expressed on behalf of the respondents.

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

O R D E R

(a) The interim order dated 12.10.2017, directing release of the applicant on furnishing a bond in the sum of Rs.50,000/- with one local surety in the like amount to the satisfaction of the learned Judicial Magistrate First Class at Mapusa is hereby made absolute.

- (b) The applicant shall furnish his permanent address along with proof, before the learned Magistrate, if not already submitted.
- (c) The applicant shall not tamper with or influence the prosecution witnesses in any manner.
- (d) The applicant shall surrender his passport, if any, before the learned Magistrate, within two weeks from today.
- (e) The applicant shall not travel abroad without the permission of the learned Magistrate.
- (f) The application is disposed of.

C. V. BHADANG, J.

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