

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.167 OF 2018

VIJAY KARBOTKAR

... Petitioner

Versus

STATE OF GOA AND ANR.

... Respondents

Shri G. Teles, Advocate for the petitioner.

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

Coram : NUTAN D. SARDESSAI, J.

Date : 29th September, 2018

ORAL ORDER :

Heard Shri G. Teles, learned Advocate for the petitioner and Shri S.R. Rivankar, learned Public Prosecutor on behalf of the State.

2. It was the contention of Shri Teles, learned Advocate for the petitioner that the petitioner had been regularly appearing before the Court and had even answered 313 CrPC statement on 19/03/2018. Thereafter on account of his involvement in another case, he was unable to ensure his presence before the learned Trial Court for which a non bailable warrant came to be issued against him. He had thereafter appeared before the

learned Judge on five successive dates of hearing despite which the application for cancellation of NBW came to be rejected.

3. Considering the facts of the case and that the applicant has been on bail since August, 2014 and besides that the trial in the case is almost at a close, the impugned order cannot be sustained and the same is quashed and set aside and the applicant is ordered to be enlarged on bail by executing bail bonds in the amount of ₹50,000/- (Rupees Fifty Thousand only) with one local surety in the like amount to the satisfaction of the Additional Sessions Judge, Mapusa.

4. The applicant to ensure his presence before the Trial Court at all times unless exempted from appearance by the learned Trial Court .

5. On these terms the Writ Petition stands disposed off.

6. The parties to act on the authenticated copy of the order.

NUTAN D. SARDESSAI, J.

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