

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 344 OF 2018

**MEHBOOB SHEIKH, PRESENTLY AT
CENTRAL JAIL COLVALE.,**

... Applicant

Versus

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

... Respondents

Adv. D. Dhond for the Applicant.

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

Coram:- C. V. BHADANG, J.

Date:- 4th December 2018

P.C.:

This is an application for bail.

2. The applicant is the accused no.1, who is facing prosecution for the offence punishable under section 302, 392 r/w 34 of I.P.C. According to the prosecution, the applicant along with the co accused committed house trespass by breaking into the house of the deceased and committed robbery and intentionally caused the death of one Ms. Priyanka Ramesh Naik, aged about 73 years.

2. Prima facie the only evidence against the applicant is about the recovery of a gold chain. There are no eye witnesses to the

incident. According to the prosecution, the applicant gave the gold chain to his friend Mr. Kamble, who pledged it with India Infoline Finance Ltd., (IIFL) and obtained a loan of Rs.30,000/-.

3. The previous bail application being Criminal Application (Bail) No.182/2018 was allowed to be withdrawn on 13/7/2018 on the ground that two vital witnesses are to be examined, namely the receiver of the gold chain and the Bank Manager of IIFL where the gold chain was pledged. After the said order was passed these two witnesses have also been examined. Further it appears that according to Mr. Kamble the chain was belonging to his mother. The learned counsel for the applicant has also pointed out that according to the daughter of the deceased, the gold chain which was missing from the house was weighing about 12 grams, while the gold chain which is recovered is weighing about 16.9 grams. It is submitted that thus the identity of the gold chain is also not established. Be that as it may, prima facie having regard to the fact that the evidence against the applicant is of recovery of a gold chain at the instance of the applicant and the material witnesses in so far as the present applicant is concerned having been examined, I find that discretion can be exercised subject to conditions. Hence the following order is passed:

ORDER:

- i) The application is allowed.

- ii) The applicant be released on bail on executing a P.R. Bond in the sum of Rs.50,000/- with one or two solvent sureties in the like amount.
- iii) The applicant shall not tamper with the evidence or influence the prosecution witnesses in any manner.
- iv) In the event of breach of any conditions, the bail is liable to be cancelled.
- v) The Bail bonds to be furnished before the learned Sessions Judge.

C. V. BHADANG, J.

ap/-