

Mr. Shivaji Patil	...	Applicant/Accused No.6
Versus		
State and Anr.		Respondents

Shri. Menino Teles, Advocate for the Applicant.

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

Coram : Nutan D. Sardesai, J.

Date : 08 April, 2019.

P.C. :

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

2. It was the contention of Shri. Menino Teles, learned Advocate for the applicant that there was no prima facie case against the applicant to continue his further detention in custody, who has been suffering incarceration since the last more than six years. He therefore prayed for his release on bail and submitted that the only evidence available on record pointed to the complicity of the Accused

Nos.3 to 5, apart from the Accused Nos.1 and 2 as the main conspirators, and therefore the applicant was entitled to be enlarged on bail.

3. Shri. S.R. Rivankar, learned Public Prosecutor for the State submitted that the offence alleged against the applicant was also under Section 120-B read with Section 302 amongst others, and therefore it was not a fit case to order his release on bail. Moreover, he was a non-Goan, a resident of Belgaum, and there was every possibility that he may abscond and jump bail. In his submission therefore, directions could be issued to the learned Additional Sessions Judge to expedite the hearing of the trial, and the application for bail be dismissed.

4. i have heard Shri. Menino Teles, learned Advocate for the applicant and Shri. S.R. Rivankar, learned Public Prosecutor on behalf of the State. Besides, i have gone through the complaint and the statements of the witnesses, which primarily point to the involvement and complicity of the Accused Nos.1 to 5 and without shedding much light on the actual role played by the Accused No.6, i.e. the applicant herein, in the so-called conspiracy to eliminate the deceased Hassan. Furthermore, the applicant has been in custody since the last more

than six years and merely on the premise that there is an element of conspiracy in the absence of any other cogent material, it would be subjecting the applicant to punishment before trial.

5. In the circumstances therefore, i have ordered his release on bail on the following terms and conditions:

(i) He shall execute a bail bond in the amount of ₹ 50,000/- (Rupees Fifty Thousand only) and one local surety in co-extensive amount, to the satisfaction of the learned Additional Sessions Judge, North Goa, Panaji. The surety shall be a local person and to the satisfaction of the learned Additional Sessions Judge.

(ii) He shall not tamper with or otherwise intimidate the witnesses.

(iii) He shall take prior permission of the learned Additional Sessions Judge before leaving the State of Goa to his native place.

(iv) In the event any violation is noted of the order of bail, the State shall be at liberty to move for the cancellation of the bail.

6. In these terms, the application stands disposed off.

Nutan D. Sardessai, J.

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