

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 49 OF 2019

DINESH TIWARI @ MUNNA, PRESENTLY
LODGED AT COLVALE JAIL, THR. ATUL
ASHOK DIXIT.,

... Applicant

Versus

THE STATE OF GOA, THR. P.P. AND
ANR.,

... Respondents

Mr. S. D. Lotlikar, Senior Advocate with Ms. A. Naik, Advocate
for the Applicant.

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

Coram:- C. V. BHADANG, J.

Date:- 5th March 2019

P.C.

This is an application for bail.

2. The applicant, who is the accused no.4, is facing prosecution
alongwith three others for the offence punishable under Sections
302 and 394 read with Section 34 of I.P.C.

3. According to the prosecution, the applicant along the
co-accused committed house trespass by breaking into the house
of deceased and committed robbery and intentionally caused the
death of Mrs Priyanka Naik, aged 73 years.

4. Out of the four accused, two accused namely Mehboob
Sheikh, accused no.1 and Mr. Zakir Hussain, accused no.3 are
already released on bail.

5. The only contention raised on behalf of the respondent-State is that Pw.17 and Pw.18 who are the panch witnesses on discovery of a knife at the instance of the applicant are presently under cross examination and secondly that the applicant hails from UP and may not be available for trial if released on bail.

6. The previous application for bail filed by the applicant being Criminal Application (Bail) No.96 of 2017 was dismissed by this Court on 21.04.2017. However, the trial has proceeded thereafter in which the prosecution has examined as many as 12 witnesses and so far as the present applicant is concerned, as noticed earlier, the only contention is that the prosecution witnesses Pw.17 and Pw.18 are under cross examination.

7. On hearing the learned Counsel for the parties, I do find that parity cannot be denied to the applicant on the ground as mentioned by the State. The apprehension of the State can be taken care of by imposing appropriate conditions.

6. In the result, 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 two solvent sureties in the sum of Rs.25,000/- each out of which atleast one shall be a local surety.

(iii) The applicant shall furnish his native address along with proof before the learned Sessions Judge.

(iv) The applicant shall undertake to remain present before the learned Session Judge on the dates when the trial is fixed.

(v) 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.

7. Authenticated copy of this order be issued to the parties in accordance with law.

C. V. BHADANG, J.