

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 86 OF 2019

HANAMANTH TALIKAR.

... Applicant

Versus

STATE OF GOA, THR. CURCHOREM
POLICE STATION, CURCHOREM AND
ANR.

... Respondents

AND

CRIMINAL APPLICATION (BAIL) NO. 87 OF 2019

TULSHIDAS RAJU NAIK

... Applicant

Versus

STATE OF GOA, THR. CURCHOREM
POLICE STATION, CURCHOREM AND
ANR.

... Respondents

Shri Tari Ulhas Kamlakant, Advocate for the applicants.

Shri Pravin N. Faldessai, Additional Public Prosecutor for the respondents No.1 & 2.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 10th April 2019

P.C.:

Heard Shri Tari Ulhas Kamlakant, learned Advocate for the applicants and Shri Pravin N. Faldessai, learned Additional Public Prosecutor for the respondents No.1 & 2.

2. It was the contention of Shri Tari, learned Advocate that there

has been an inordinate delay in filing the complaint when the alleged incident took place on 07/12/2018 while the incident was informed / reported only on 28/12/2018. Moreover in his submission there was no material to place the applicants under arrest and that they would otherwise cooperate with the course of investigation particularly in offences punishable under Sections 326 and 384 IPC which were not heinous offences.

3. Shri P. Faldessai, learned Additional Public prosecutor on behalf of the State conceded in fairness that there had been a delay in lodging the FIR but that the applicants too were not available despite the notice being issued to them time and again. In any event he had not been able to satisfactorily account what was the status of the investigation for the last four months and why the applicants who were otherwise apparently not notorious persons were not placed under arrest.

4. In any event there is no basis not to allow the benefit of bail in anticipation of the arrest to the applicants. In view thereof, the applications are allowed on the following terms :

ORDER

(i) In the event of arrest each of the applicants shall be enlarged on bail on executing bail bonds in the amount of ₹20,000/- (Rupees Twenty Thousand Only) and on furnishing sureties in coextensive amount to the satisfaction of the learned Sessions Judge South Goa, Margao.

(ii) Each of the applicants shall report at the Curchorem Police Station for a period of one week w.e.f. tomorrow i.e. 11/04/2019 between 10.00 hours to 13.00 hours.

(iii) Each of the applicants to give their detailed residential addresses to the Investigating Officer and to the Sessions Court and shall not in any manner intimidate or tamper with the witnesses.

5. In these terms, the applications stand disposed off.

NUTAN D. SARDESSAI,J.