

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO. 109 OF 2019

Mr. Pio Rosario Viegas

... Applicant

Versus

State of Goa & anr.

... Respondents

Shri Galileo Teles, Advocate for the Applicant.

Shri Mahesh Amonkar, Additional Public Prosecutor for the Respondents-State.

Coram:-NUTAN D. SARDESSAI, J.

Date:-29th April, 2019

P.C.:

Heard Shri Galileo Teles, learned Advocate for the applicant and Shri Mahesh Amonkar, learned Additional Public Prosecutor for the respondents-State.

2. It was the contention of Shri G. Teles, learned Advocate for the applicant that the crime was committed allegedly in the year 2017 and that the investigation in the case is substantially over. There was no necessity for detaining the applicant in custody and therefore he may be granted bail in anticipation of arrest.

3. Shri Mahesh Amonkar, learned Additional Public Prosecutor on behalf of the State submits that the applicant has not at all cooperated with the course of investigation and besides he has

been involved earlier in a similar crime. On that premise, the applicant should not be granted bail in anticipation of arrest.

4. i have heard Shri G. Teles, learned Advocate for the applicant and Shri Mahesh Amonkar, learned Additional Public Prosecutor on behalf of the State and besides perused the contents of the application as well as the reply apart from the order passed by the learned Children's Court rejecting the bail application of the applicant. Considering the fact that the investigation in the case is substantially over, i do not see any reason why the custodial interrogation of the applicant is required looking to the nature of the offence registered against the applicant. In view thereof, i pass the following :

O R D E R

(i) The applicant is ordered to be enlarged on bail in anticipation of arrest.

(ii) In the event of arrest, the applicant shall be enlarged on bail on executing a Bail Bond in the amount of ₹25,000/- and furnishing a local surety in coextensive amount to the satisfaction of the learned Children's Court.

(iii) The applicant shall report at the Police

Station for one week from 30th instant between 10.00 hrs. till 13.00 hrs.

(iv) The applicant shall cooperate with the course of investigation and shall not in any manner intimidate or tamper with the witnesses.

(v) The applicant shall seek prior written permission of the Children's Court before leaving the State of Goa and the territorial waters of India.

5. The application stands disposed off in the above terms.

NUTAN D. SARDESSAI, J.

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