

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 274 OF 2019

SANTAN PINTO, PRESENTLY LODGED AT
MODERN CENTRAL JAIL COLVALE, THR.
BALKISHBANU GOUS NANGADI.,

... Applicant

Versus

STATE, AS REP. BY THE OFFICER
INCHARGE, PONDA POLICE STATION,
PONDA AND ANR.,

... Respondents

Mr. Salil Satish Saudagar, Advocate U/las, for the Applicant.

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

Coram:- PRITHVIRAJ K. CHAVAN, J.

Date:- 28th November, 2019

P.C.:

This is an application for bail under Section 439 Cr.P.C. by the applicant who came to be arrested by the respondent no.1 in Crime no. 184/2019 for having committed an offence under Section 307 I.P.C.

2. Heard Mr. S. Saudagar, learned Advocate for the applicant and Shri S. R. Rivankar, learned Public Prosecutor for the respondents.

3. The first informant Ruksana Mulla and the applicant had a love affair. It reveals from the report that on 24.08.2019 there

was some telephonic conversation between the applicant and the victim. The applicant at around 12.00 in the noon, in the lunch break, asked the victim whether she had brought lunch for him whereupon, she replied in the negative. It is alleged that thereafter, the applicant took out one sickle and suddenly hit on her head and face because of which she suffered bleeding injuries.

4. After registering an FIR, the investigating officer referred the victim for medical examination. The usual procedure of recording the statements of the witnesses, drawing of the panchanama was conducted. After investigation chargesheet has been filed in the Court of Judicial Magistrate, First Class, Ponda against the applicant under Section 307 of I.P.C.

5. At the outset, Mr. S. R. Rivankar, learned Public Prosecutor submits that necessary orders be passed since the chargesheet has already been filed and looking to the peculiar facts of this case.

6. It is the case of the applicant that the accused is not a habitual offender who was working in Ponda Municipal Council. Taking into consideration the statement of the witnesses as well as the circumstances of this case, there is no reason to detain the applicant in custody. As such, I pass the following:

O R D E R

The applicant be released on executing a personal recognition bond of Rs.20,000/- with one surety in the like amount to the satisfaction of the Id. Judicial Magistrate, First Class, on the following conditions:-

i. The applicant shall not influence, induce, threat or promise the victim or any other witnesses of the prosecution.

ii. The applicant shall scrupulously attend the trial.

iii. The applicant shall not leave the jurisdiction of the Judicial Magistrate, First Class, Ponda without seeking prior permission.

iv. The applicant shall furnish his mobile number to the learned Judicial Magistrate, First Class, Ponda.

v. Bail before the Judicial Magistrate, First Class, Ponda.

7. Authenticated copy be issued to the parties.

PRITHVIRAJ K. CHAVAN, J.

MF/-