

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 348 OF 2018

KAPIL SHARMA, PRESENTLY IN
JUDICIAL CUSTODY AT CENTRAL JAIL,
COLVALE.,

... Applicant

Versus

STATE OF GOA, THR. PUBLIC
PROSECUTOR AND ANR.,

... Respondents

Shri Vibhav Rajiv Amonkar, Advocate for the Applicant.
Shri Pravin Faldessai, Additional Public Prosecutor for the
State-Respondents.

Coram:- C. V. BHADANG, J.

Date:- 22nd January 2019

P.C.

Heard.

2. This is an application for bail. The applicant is facing trial for the offences punishable under Section 370 read with Section 34 of the Indian Penal Code and Sections 4, 5 and 7 of the Immoral Traffic (Prevention) Act, 1956.

3. In the present case, the trial before the learned Sessions Judge is going on. On the last date i.e. on 04.12.2018, a statement was made on behalf of the State that positively an

attempt shall be made to secure the presence of the victims, who are the prosecution witnesses, Cw.3 and Cw.4. It was submitted on behalf of the State that inasmuch as the evidence of the prosecution witnesses Cw.3 and Cw.4 is yet to be recorded, the applicant may not be released on bail. It was in these circumstances that four weeks time was granted to the prosecution to secure the presence of these two witnesses. A perusal of the order sheet dated 18.01.2019, which is marked 'X' for identification, before the learned Sessions Judge shows that the Investigating Officer has filed a report (Exh.D.47) before the learned Sessions Judge stating that the witnesses Cw.3 and Cw.4 are not traceable.

4. Considering the overall circumstances, the following order is passed at this stage :

ORDER

(i) The applicant be released on bail on executing a PR 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 surety, shall be a local surety, to the satisfaction of the learned Sessions Judge.

(ii) The applicant shall undertake to attend the trial on the dates unless exempted for sufficient reasons.

(iii) The applicant shall not tamper with the prosecution witnesses and shall not indulge into any similar offence while on bail.

(iv) The applicant shall file his local as well as his native address at Mumbai with proof before the learned Sessions Judge.

(v) Liberty to the prosecution to apply for the modification/cancellation after the examination of Cw.3 and Cw.4.

C. V. BHADANG, J.

arp/*