

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO. 310 OF 2019

KAMLAKANT NAGVENKAR., ... Applicant

Versus

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

Shri Vibhav Rajiv Amonkar, Advocate for the Applicant.

Shri Pravin Faldessai, Addl. Government Advocate for the
Respondent.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 17th December, 2019

P.C.:

Heard Shri V.Amonkar, learned Advocate for the Applicant and Shri Pravin Faldessai, learned Addl. Public Prosecutor on behalf of the State.

2. It was the contention of Shri V.A. Amonkar that the applicant had played the role of an appraiser alone and that he was not at all involved in the crime of cheating. He further submitted that out of the five accused, four accused were enlarged on bail and therefore on the grounds of parity too

he was entitled to the benefit of bail in anticipation of his arrest. Shri Pravin Faldessai, learned Addl. Public Prosecutor submitted that a notice under Section 41-A of Cr.P.C. was issued to the applicant despite which he failed to appear at the Police Station and instead sent an advocate's notice to them that he would be filing Anticipatory Bail before the Sessions Court. His custodial interrogation was required and therefore he could not be secured with any orders in his favour.

3. i have heard Shri V. Amonkar, learned Advocate on behalf of the applicant and Shri Pravin Faldessai, learned Addl. Public Prosecutor on behalf of the State. It is not singularly in dispute that four out of the five accused have already been enlarged on bail who were the main accused in the crime registered at the Anjuna Police Station. The role of the applicant was mainly that of an appraiser and it is apparently not the case of the respondent that the applicant was a co-conspirator with the said five main accused, four of whom are enlarged on bail. Besides, it is also not the case of the respondents that the gold appraised by the applicant was fake gold by looking at the difference in the caratage of the gold. Looking to all these aspects, i deem it appropriate in the circumstances to pass the following:

(i) In the event the applicant is arrested, he shall be

enlarged on bail upon executing bail bonds in the amount of ₹10,000/- with one surety in coextensive amount to the satisfaction of the investigating officer.

ii. He shall report at the Police Station for a period of seven days with effect from 18.12.2019 between 10.00 a.m. till 12.00 noon.

Iii. He shall cooperate with the course of investigation and shall not lead the investigation astray.

In these terms the application stands disposed off.

NUTAN D. SARDESSAI, J.

MF/-