

Mr. Siddique @ Suleman Mohamad Khan ...Applicant/accused

versus

The State and another ...Respondents.

Shri Mahendra Kawchale and Shri Ganesh R. Naik, Advocates for the applicant.

Shri S.R. Rivankar, Public Prosecutor for the respondents

Coram : NUTAN D. SARDESSAI,J.

Date:- 11th March, 2019.

P.C.:

Heard Shri M. Kawchale, learned Advocate for the applicant and Shri S. R. Rivankar, learned Public Prosecutor for the respondents.

2. It has been the contention of Shri Kawchale, learned Advocate that the bail application of the co-accused was granted vide the order dated 13/07/2016 and wherein the learned Additional Sessions Judge had made clear observations that there was no conclusive material

against the said accused even to convict them. On that premise the learned Additional Sessions Judge had granted bail to the said three accused. The present applicant was entitled to be enlarged on bail on grounds of parity. Besides in his contention there was no other adequate material on record to link the applicant with the crime alleged against him and therefore he was entitled to the benefit of bail. Moreover, the chargesheet was filed against the other accused sometime in the year 2014 while it was filed against the applicant in the year 2018 since he was not traceable.

3. Shri S.R. Rivankar, learned Public Prosecutor invited attention to the statement of the Advocate then appearing for the applicant. According to him he had given graphic details of the incident and that the material in his statement was adequate to point out to the complicity of the applicant and therefore no bail ought to be granted.

4. It was submitted by the learned Public Prosecutor in the course of his arguments that the autopsy report findings were still pending determination before the CFSL, Hyderabad and that the nature and extent of the drug used to inject into the deceased and the injured

would be available on examination of the exhibits. It is not seriously in dispute that the chargesheet was initially filed in the year 2014 against the co-accused and that against the applicant sometime in year 2018. The applicant and /or the accused should not have to bear the consequences of such delayed investigation at the end of the respondents. Be that as it may, having heard the learned Advocate for the applicant and the learned Public Prosecutor on behalf of the State and even on an appraisal of the statement of the Advocate Shri Kalangutkat, to which attention was invited by the learned Public Prosecutor, no ground has been made to oppose the application for bail. Moreover looking to the statement of the Advocate in question and without expressing further opinion on the merits thereof, i am inclined to secure the applicant with the benefit of bail on the following terms:

O R D E R

1. He shall be enlarged on bail on executing bail bonds in the amount of ₹1,00,000/- (Rupees One Lakh Only) and furnishing a surety in coextensive amount to the satisfaction of the learned Additional Sessions Judge, Panaji.

2. He shall not intimidate or tamper with the witnesses in any manner whatsoever and otherwise ensure his presence during the course of trial and on all the dates of hearing. He shall cooperate with the conduct of the case and shall not cause hindrance whatsoever.
3. He shall not leave the jurisdiction of the Court without the prior written permission of the Additional Sessions Judge and under intimation to the concerned Investigating Officer.
4. In these terms, the Application stands disposed off.

NUTAN D. SARDESSAI,J.

mv