

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO. 20 OF 2020

RENUKA SHINDE, PRESENTLY LODGED IN

JUDICIAL CUSTODY AT COLVALE, GOA ... Applicant

Versus

STATE, REP. BY OFFICER IN CHARGE,

PONDA POLICE STATION AND ANR. ... Respondents

Shri Damodar Dhond and Shri Ravi Gauns, Advocates for the applicant.

Shri Gaurish Nagvenkar, Additional Public Prosecutor on behalf of the State.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 12th February, 2020

P.C.:

Heard Shri Dhond, learned Advocate for the applicant who submitted that the applicant was placed under arrest on 23/09/2019. His first bail application was rejected on 30/09/2019 and the subsequent one was rejected on 31/10/2019. The applicant was 61 years old with no criminal antecedents, had two daughters who were married and 4 grandchildren. Her third bail application was rejected too as there were no changes in the circumstances. The milk bottle was attached with the brownish particles inside and sent to the Food Analyst for analysis who

opined despite being not a Competent Authority not notified to do so. The Food Analyst had certified that the particle found in the bottle were of nicotine. The applicant had been in custody since 140 days and there was no incriminating material to detain her further in the custody and hence prayed that she may be enlarged on bail.

2. Shri Gaurish Nagvenkar, learned Additional Public Prosecutor on behalf of the State submitted that the complaint was lodged on 18/09/2019. The Day Care Centre was run without permission. The offence under Section 328 IPC was punishable with imprisonment which may extend to ten years, and shall also be liable to fine and both cognizable and non-bailable in nature. In view thereof, he initially prayed for the dismissal of the application.

3. i have heard Shri D. Dhond, learned Advocate for the applicant and Shri G. Nagvenkar, learned Additional Public Prosecutor for the State.

4. At the outset, the applicant has been in custody since the last more than 140 days and there is no reason for her to continue in custody when the investigation in the case is

substantially over and besides the chargesheet too has been filed. The vital point which enures in favour of the applicant is the fact that the substance was referred to the Food Analyst for analysis who was not a Competent Authority to carry out the analysis for the presence of tobacco in the milk. In these circumstances and as nothing is to be recovered at the instance of the applicant and she is otherwise resident of the State of Goa, the application is allowed in the following terms:-

1. The applicant shall be enlarged on bail on executing bail bonds in the amount of ₹20,000/- (Rupees Twenty Thousand only) and furnishing one local surety in co-extensive amount to the satisfaction of the learned Children's Court.
2. The applicant shall co-operate with the course of the trial and ensure her presence on all the dates of the hearing unless particularly exempted by the Children's Court.
3. The applicant shall not directly or indirectly influence the witnesses or otherwise hamper the course of the trial.
4. The applicant shall also not leave the State of Goa and the territorial waters of India without the prior written permission of the learned Children's Court.

5. In these terms the application stands disposed off.

NUTAN D. SARDESSAI, J.

mv