

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION (BAIL) NO. 56 OF 2020

Priya Anthony D'Souza

..... Applicant

V e r s u s

1. State of Goa & anr.

..... Respondents

Mr. Vibhav Amonkar, Advocate for the Applicant.

Mr. Pravin Faldessai, Additional Public Prosecutor for the State-Respondents.

Coram :- M. S. SONAK, J

Date : 12th May, 2020

P.C.

Heard Mr. Vibhav Amonkar, the learned Counsel appearing for the applicant and Mr. Pravin Faldessai, the learned Additional Public Prosecutor, appearing for the State-Respondents.

2. The applicant has been charged with offences under Sections 370, 342, 323, 324, 504 and 506 read with Section 34 of the Indian Penal Code

(IPC) and Sections 4, 5 and 7 of Immoral Traffic (Prevention) Act (ITP Act). There is no dispute that the offences were registered against the applicant way back on 15th January, 2019 and it is on this very date that she was arrested. The petitioner continues in custody from the said date onwards.

3. The applicant was denied bail on earlier occasions, inter alia, on the ground that the victim was not traceable and statements of two witnesses were yet to be recorded. This Court, by order dated 20th April, 2020, after appreciating the situation, did grant the respondent some additional time taking into consideration the Covid-19 situation and the consequent lock down.

4. Today, Mr. Faldessai, the learned Additional Public Prosecutor, states that the Investigating Agencies have been able to record the statement of one of the witnesses but there is no further headway in tracing the victim or recording the statement of the other witnesses.

5. Taking into consideration the material on record, including the fact that the applicant is in custody since 15th January, 2019, bail can be granted to the applicant no doubt by imposing certain conditions.

6. Mr. Amonkar, the learned Counsel for the applicant, also submitted that conditions may be imposed upon the applicant but bail should be granted to her in the present situation.

7. There is really no sufficient basis to presently presume that the applicant will flee from justice or attempt to influence the witnesses. In any case, some reasonable conditions can be always be imposed upon the applicant, so that the applicant attends the trial which is presently pending before the Court of the learned Sessions Judge, North Goa, at Panaji. Accordingly, the applicant is directed to be released on bail in an amount of ₹ 25,000/-. In addition, the applicant, will have to arrange for one local surety in the like-amount to the satisfaction of the learned Sessions Judge.

8. The applicant shall have to abide by the following conditions and, in

case of breach, it will be open to the prosecution to move the learned Sessions Judge for cancellation of this bail now granted. The conditions shall be as follows :

(a) The applicant shall furnish her local address where she will reside and, in case of any change, to forthwith intimate the changed address to the Investigating Officer;

(b) The applicant will report to the Investigating Officer or to the Officer in charge at the Porvorim Police Station once in every 15 days;

(c) The applicant will not leave the State of Goa without prior permission from the learned Sessions Judge where the trial is pending;

(d) The applicant will remain present on the dates of the trial without fail;

(e) The applicant will not in any manner attempt to intimidate or influence the witnesses or the victims;

9. The bail is granted to the applicant subject to the aforesaid conditions.

In case of any breach, it is made clear that the respondents will be at liberty to move the learned Sessions Court where the trial is pending and the learned Sessions Judge will then dispose off such application in accordance with law.

10. The Criminal Misc. Application for bail is disposed off.

11. All concerned to act on the basis of the authenticated copy of this order.

M. S. SONAK, J.

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