

**IN THE HIGH COURT OF BOMBAY AT GOA**  
**CRIMINAL APPLICATION (BAIL) NO.63 OF 2020**

Shri Annasaheb Rane

... Applicant

Versus

The Police Inspector & Anr.

... Respondents

Shri Rohan P. Desai, Advocate for the Applicant.

Shri Mahesh Amonkar, Additional Public Prosecutor for the Respondents.

**Coram: DAMA SESHADRI NAIDU, J.**

**Date: 26<sup>th</sup> February 2020**

**ORAL ORDER:**

The petitioner is one of the three accused in Crime No.32/2019, registered by Bicholim Police Station, for the alleged offences under Sections 381, 403, 405, 408, 409, 414, 424 and 120-B, read with Section 34 of IPC.

2. The petitioner is the Branch Manager of a Co-operative Society. He faces the allegation that when the customers pledged their gold and secured loans, the Manager has taken out the gold and further pledged it outside to secure an illegal gain. The other two accused—the cashier and the peon—are said to be the accomplices. In this manner, the three accused allegedly realised 25.00 lakhs rupees.

3. When a customer came for the release of the gold, he could not get his gold. Then, on inquiry, it has been revealed that the gold

ornaments were taken out and pledged somewhere else, in the name of the peon.

4. The police have registered the crime as indicated above and completed the investigation. They have also filed the charge sheet. Now, C.C. No.14/S/20/A is pending trial before the JMFC, Bicholim Court.

5. The learned counsel for the petitioner submits that it is the petitioner himself that has complained to the police. According to him, he has no role in the crime. The police have extracted a confession and have been proceeding based on that inadmissible piece of evidence. At any rate, he submits that the police have already filed the charge sheet and the other accused have also been enlarged on bail. To be specific, he informs the Court that one of the accused was released on 02.11.2019 and the other on 26.11.2019.

6. In response, the learned Additional Public Prosecutor has strenuously opposed the bail application. According to him, the Manager holds a post of trust. And the customers transact their businesses having utmost faith on him. It is he who had the custody of the gold and it is he who took away the gold and used it for an illegal purpose, through the other accused. Therefore, the learned Additional Public Prosecutor opposes the bail application.

7. Indeed, at this stage, we can only go by the averments in the First Information Report, the defence notwithstanding. The petitioner is the Manager facing grave allegations of breach of trust and

misappropriation. That said, the alleged co-conspirators and co-accused have already been enlarged on bail. Besides that, the petitioner has been in custody since 07.11.2019, that is close to four months.

8. Pretrial incarceration is only to ensure that the accused does not interfere with investigation, tamper with the evidence, or indulge in repetitive crimes. The gravity of the offence and the role the accused has been ascribed in the crime do play an important role in the Court's deciding the bail application. Here, the investigation has been completed and the trial has already begun. That apart, given the fact that he has committed the alleged crime during his employment, he must have been already under suspension, facing the disciplinary proceedings departmentally. So it is unlikely that he would ever repeat the crime.

9. Under these circumstances, I enlarge the petitioner on bail subject to the following conditions:

- (i) The applicant is enlarged on bail on his executing a bail bond for ₹50,000/- and furnishing two local sureties for the like sum, to the satisfaction of the learned Judicial Magistrate of First Class, Bicholim.
- (ii) The applicant shall regularly appear before the Trial Court and not absent himself till the conclusion of the trial.
- (iii) The applicant shall not intimidate or threaten with the witnesses, nor should he tamper with the evidence.
- (iv) The applicant shall not travel beyond the boundaries of the State of Goa and the territorial waters of India, without seeking the prior written permission of the learned Judicial Magistrate of First Class, Bicholim.

(v) In the event it is brought to this Court's notice that there is a violation of any of the terms of the bail, the State shall seek the cancellation of the petitioner's bail.

In these terms, the application stands disposed of. Parties to act on the authenticated copy of this order.

**DAMA SESHADRI NAIDU, J.**

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