

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL APPLICATION (BAIL) NO. 81 OF 2020**

Mr. Gautam Volvoikar,
S/o. Laxman Volvoikar,
Age 26 years,
Indian National,
H. No. 164/A,
Ecoxim Bhatan,
Mapusa, Bardez
Presently lodged at Judicial Lock up,
Colvale Modern Jail,
Colvale, Bardez, Goa.

.... Applicant.

Versus

1 STATE

As represented by the officer Incharge
Mapusa Police Station
Mapusa, Bardez, Goa.

2 The Public Prosecutor

High Court of Bombay and Goa,
Panaji-Goa,

.... Respondents.

Mr. K. Poulekar, Advocate for the Applicant.

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

Coram : M. S. SONAK

Date : 12th May, 2020.

P.C.

Heard Mr. Poulekar, learned Counsel for the Applicant, Mr. Faldessai, learned Additional Public Prosecutor for the Respondents.

2. This is an application for bail by the applicant who has been charged with offences under Sections 504, 307, 506(ii), 427 r/w 34 IPC. In fact, Mr. Faldessai points out that in the chargesheet, the applicant has been charged for offences under Section 3 and 25 of the Arms Act as well. This is in Crime No. 241/2019.

3. Apart from the applicant this case was registered against 8 accused persons, all of whom have presently been enlarged on bail.

4. According to the complainant who was assaulted, the main accused was one Mr. Shailesh Garad who has also been enlarged on bail by this Court vide order dated 11.02.2020.

5. Mr. Faldessai points out that even the applicant is one of the main accused in the incident which took place on 27.10.2019, i.e. the night of Diwali. Mr. Faldessai points out that dangerous arms were used by the applicant and other accused persons and that this is quite a serious offence. He points out that the applicant is involved

in atleast 3 other criminal cases of similar nature. He therefore submits that this is not a case where the applicant can be enlarged on bail.

6. Although, Mr. Faldessai is quite right in his submission that the offence lodged against the applicant is quite serious, the record indicates that by now the investigations are complete and Mr. Poulekar points out that even chargesheet has already been lodged. Apart from all this, 8 out of the 9 accused persons have already been enlarged on bail. According to the complainant, the main person involved in the incident was one Shailesh Garad who has also been enlarged on bail vide order dated 11.02.2020 which is placed on record alongwith this bail application.

7. Taking into consideration the aforesaid facts and circumstances and giving due deference to the principle of parity, there is really no reason as to why the applicant should continue in custody any longer. Accordingly, the applicant can be released on bail subject no doubt to certain conditions.

8. This application is accordingly allowed and the applicant is directed to be released on bail subject to the following terms and conditions:-

a) The applicant shall be enlarged on bail on executing

bail bonds in the amount of ₹25,000/- (Rupees Twenty Five Thousand only) and furnishing one local surety in co-extensive amount to the satisfaction of the Sessions Judge, Panaji.

- b) The applicant shall remain present on each date of the hearing.
- c) The applicant shall not tamper with or intimidate the witnesses or hamper the course of the trial in any manner whatsoever.
- d) The applicant shall also not leave the State of Goa and the territorial waters of India without the prior written permission of the learned Trial Court.

9. This application is disposed of in the aforesaid terms.

10. All concerned to act on the basis of authenticated copy of this Order.

M. S. SONAK, J.