

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 300 OF 2019

GRISHMI @ SONI TALWAR, PRESENTLY

AT CENTRAL JAIL COLVALE ... Applicant

Versus

THE STATE OF GOA, VERNA POLICE

STATION, VERNA AND ANR. ... Respondents

Shri Gopal Kanekar, Advocate for the applicant.

Shri S.R. Rivankar, Public Prosecutor for the respondent – State.

Coram :- NUTAN D. SARDESSAI, J.

Date :- 14th January, 2020

P.C.:

Heard Shri G. Kanekar, learned Advocate for the applicant and Shri S.R. Rivankar, learned Public Prosecutor for the respondent.

2. Shri Kanekar, learned Advocate for the applicant submitted that the applicant is in custody since her arrest on 20/10/2009 i.e. for the last more than 10 years and on that count alone she should be enlarged on bail. Besides, there has been no plea on behalf of the prosecution that she had at all ever tried to

influence the witnesses or otherwise tamper with the evidence in the case.

3. Shri S.R. Rivankar, learned Public Prosecutor submitted that in view of the framing of the additional charge some witnesses are required to be reexamined on the same. She be detained in custody and the application be dismissed.

4. i would consider their respective submissions and decide accordingly. It is also otherwise on the record that the address of the applicant is available with the Investigating Officer since they have visited her house in Mumbai and wherefrom the alleged articles of theft were recovered at the instance of her husband i.e. the accused no.1 in the chargesheet filed against her. That apart, she has been in custody since the last more than 10 years and otherwise acquitted from three of the cases in which she faced trial while in custody. There is no reason and in the peculiar facts and circumstances to continue her detention in custody when there is no apprehension of tampering of the witnesses at her instance. In the circumstances, i pass the following :

ORDER

1. The applicant shall be enlarged on bail on executing bail bonds in the amount of ₹50,000/- (Rupees Fifty Thousand only) and on furnishing a local surety in co-extensive amount to the satisfaction of the Children's Court, Panaji.
2. She shall not tamper with the witnesses or otherwise in any manner hamper the course of trial.
3. She shall ensure her presence before the Children's Court on every date of hearing and shall furnish a detailed address to the Police in case there is any change in the address.
5. In these terms, the application stands disposed off.
6. The parties to act on the basis of the authenticated copy of the order.

NUTAN D. SARDESSAI, J.