

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL APPLICATION (BAIL) NO. 315 OF 2019**

DATTATRAYA GADGIL.,

... Applicant

Versus

THE PUBLIC PROSECUTOR AND ANR.,

... Respondents

Shri Rohan Pandurang Desai and Shri Siddesh Nanodkar,
Advocates for the Applicant.

Shri Pravin Faldessai, Addl. Public Prosecutor on behalf of the
State.

Coram: NUTAN D. SARDESSAI, J.**Date: 9th January, 2020**

P.C.:

Heard Shri Rohan Dessai, learned Advocate and Shri
Pravin Faldessai, learned Addl. Public Prosecutor.

2. It was the contention of Shri Rohan Dessai, learned Advocate that the dispute was primarily of a civil nature which emanated on account of the agreement which was forcibly extracted from the applicant at the Bicholim Police Station on 18.12.2018 for which he was required to make the repayment by four months to expire on or before 18.04.2019. However, there was no intention whatsoever to cheat the complainant

but who had immediately lodged the complaint on 16.04.2019 alleging the offence of cheating against him. He therefore submitted that he be released on bail and would abide by the terms and conditions imposed by this Hon'ble Court and therefore he should be secured with the benefit of bail in anticipation of arrest.

3. Shri Pravin Faldessai invited my attention to the fact that the applicant was also involved in similar offences and therefore his custodial interrogation was required to investigate into the crime and the application had therefore to be dismissed. He also opposed the contention that it was a civil dispute and rather the ingredients of the offences of cheating were clearly made out.

4. Without traversing much into the details of the transaction which one alleges to be civil and the other having the flavour of criminal offence, in my estimation the custodial interrogation of the applicant is not required as the applicant can be put to terms in settling with the course of investigation along its proper path. In view thereof, the applicant is ordered to be enlarged on bail on the following terms and conditions:-

1. In the event of arrest, he shall be enlarged on bail upon executing bail bonds in the amount of ₹25,000/- (Rupees Twenty Five Thousand Only) and furnishing a local surety in coextensive amount to the satisfaction of the learned Addl. Sessions Judge, Panaji.

2. He shall report at the Police Station for a period of one week with effect from 10.01.2020 between 10.00 hours till 12.00 noon.
3. He shall cooperate with the course of investigation and shall not intimidate the witnesses.
5. In these terms the application stands disposed off.
6. Parties to act on the basis of the authenticated copy of this order.

NUTAN D. SARDESSAI, J.

MF/-