

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO.317 OF 2019

Amit Shet ... Applicant

V/s.

State and another Respondents

Shri Kamlakant Poulekar, Advocate for the applicant.

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

Coram:- NUTAN D. SARDESSAI, J.

Date :- 10th January, 2020

P.C.:

Heard Shri Kamlakant Poulekar, learned Advocate for the applicant and Shri S.R. Rivankar, learned Public Prosecutor for the respondent - State.

2. Shri K. Poulekar, learned Advocate also placed on record the compilation of the chargesheet which has already been filed by the Mapusa Police Station against the applicant under Sections 452, 342, 354, 354A, 354B and 376 IPC alongwith the relevant provisions of the POCSO Act. It was his contention that the victim girl was almost major in age and there was no penetration in the case as to attract the offence under Section

376 in particular and at the highest it was a case of attempt to rape.

3. Shri S.R. Rivankar, learned Public Prosecutor submitted that the investigation being complete and the chargesheet filed, the State would not seriously require the applicant in custody.

4. Without going into the merits of the case and looking to the tenor of the case set out on behalf of the applicant and that the State does not seriously require him in custody, the application is allowed.

5. In the result, i allow the application on the following terms and conditions:

- i. The applicant is ordered to be released 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 learned Additional Sessions Judge-I, Mapusa.
- ii. He shall not intimidate the witnesses or otherwise cause any obstruction for the conduct of the trial before the

learned Additional Sessions Judge-I, Mapusa and moreover would not dispute his identity.

6. In these terms the application stands disposed off.
7. The parties to act on the basis of the authenticated copy of the order.

NUTAN D. SARDESSAI, J.

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