

IN THE HIGH COURT OF BOMBAY AT GOA

**CRIMINAL APPLICATION (BAIL) NO.311 OF 2019**

Lindwall Rodrigues ... Applicant

V/s.

State and another .... Respondents

Shri A.D. Bhobe, Advocate for the applicant.

Shri Gaurish Nagvenkar, Additional Public Prosecutor for the respondent-State.

**Coram:- NUTAN D. SARDESSAI, J.**

**Date : 08<sup>th</sup> January, 2020.**

**P.C.:**

Heard Shri A.D. Bhobe, learned Advocate for the applicant and Shri G. Nagvenkar, learned Additional Public Prosecutor for the State.

2. It was the contention of Shri Bhobe, learned Advocate that the dispute which had arisen in the case was primarily with a civil flavour and that none of the ingredients of the offence of cheating were made out under Section 420 IPC. The applicant was therefore entitled to the benefit of bail in anticipation of arrest and even otherwise he would cooperate with the course of

investigation. Besides, he would abide by the terms and conditions as imposed by this Hon'ble Court.

3. Shri Gaurish Nagvenkar, learned Additional Public Prosecutor on behalf of the State submitted that his custodial interrogation was required looking to the tenor of the complaint and the amount involved and therefore no such relief could be granted to the applicant. The matter was interrupted for taking instructions and on the basis of instructions, the learned Additional Public Prosecutor conceded that he could be enlarged on bail upon stringent conditions being imposed for his release.

4. In view thereof, the application is allowed on the following terms:

1. In the event of arrest the applicant shall be enlarged on bail on executing bail bonds in the amount of ₹25,000/- (Rupees Twenty Five Thousand only) and on furnishing a local surety in co-extensive amount to the satisfaction of the I.O.
2. He shall report at the Calangute Police Station as and when called upon to do so and co-operate with the course of investigation.

3. He shall not tamper with the witnesses or otherwise hamper or impede the course of investigation.
4. The applicant shall also not leave the territorial waters of India without the prior written permission of the Court.
5. In view thereof, the application stands disposed off.

**NUTAN D. SARDESSAI, J.**

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