

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO. 4 OF 2021

JOHN KURYAN APPLICANT
Versus
STATE OF GOA, THR. PUBLIC
PROSECUTOR AND ANR RESPONDENTS

Mr. Kautuk Raikar, Advocate for the Applicant.

Mr. S.G. Bhobe, Public Prosecutor for the Respondents.

Coram:- M.S. JAWALKAR, J.

Date:- 10th February, 2021

P.C.

Heard Mr. Raikar, the learned Counsel for the applicant and Mr. S.G. Bhobe, the learned Public Prosecutor for the respondents.

2. The present application is filed by the applicant under Section 438 of Cr.P.C.

3. The applicant submits that he has learnt that the Police Inspector of Ponda Police Station is trying to arrest him in Crime No. 204/2020 registered under Section 406 read

with Section 34 of IPC at Ponda Police Station. It is further submitted that the applicant is innocent, having no criminal antecedents and the arrest would tarnish his image and reputation in the society.

4. The applicant further submitted that he is ready to co-operate and abide by all the conditions. The applicant had applied for anticipatory bail before the Sessions Judge, Panaji, which came to be rejected.

5. The learned Public Prosecutor, Mr. S.G. Bhobe for the respondents, on instructions, fairly made a statement that reporting will suffice the purpose.

6. In the background the offence is in respect of criminal breach of trust. It is alleged that the applicant being Director of M/s Goa Invescast Ltd., deducted the contribution amount from employees wages towards payment in Employees Provident Fund and failed to deposit equal amount, thereby dishonestly misappropriated the amount of Rs.7,89,998/-. I do not see any custodial interrogation is

required. The purpose would be served by imposing conditions on the applicant while granting anticipatory bail.

7. In my considered opinion the applicant is entitled to grant of anticipatory bail subject to conditions. Accordingly, I proceed to pass the following order:

ORDER

- (a) The application is allowed.
- (b) In the event of arrest in connection with investigation of Crime No. 204/2020 of Ponda Police Station, the applicant, John Kuryan shall be released on bail on his execution of a P.R. bond in the sum of Rs.15,000/- with one solvent surety in the like amount.
- (c) The applicant shall co-operate with the Investigating Agency and shall attend the Ponda Police Station as and when required by the I.O.
- (d) The applicant shall not attempt to contact or influence the prosecution witnesses.
- (e) The applicant shall furnish his mobile number and other contact details along with his permanent address to the I.O.
- (f) The applicant shall not leave the State of Goa without written permission of the I.O.

(g) The application is disposed off in the aforesaid terms.

M.S. JAWALKAR, J.

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ESHA SAINATH

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