

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION (BAIL) NO. 3 OF 2021

Mr. Tushar Dalai,
Presently in Judicial Custody
at Central Jail, Colvale.

..... Applicant

V e r s u s

State of Goa,
Thr. Public Prosecutor & anr.

..... Respondents

Mr. Vibhav Amonkar, Advocate for the Applicant.

Mr. Pravin Faldessai, Additional Public Prosecutor for the State-
Respondents.

CORAM : M. S. JAWALKAR, J.

DATE: 25th January, 2021

ORDER

Heard Mr. Vibhav Amonkar, learned Counsel for the applicant
and Mr. Pravin Faldessai, the learned Additional Public Prosecutor, for the
respondent-State.

2. The present application is filed under Section 439 of the Code

of Criminal Procedure for regular bail.

3. The applicant has been arrested by the respondent no.1- Calangute Police Station, in Crime No.152/2020 under Sections 143, 144, 147, 148, 307 and 302 of the Indian Penal Code.

4. It is the case of the prosecution that on 31.07.2020, there was a fight between two rival persons resulting in death of an individual and injury to another, thereby leading to two complaints of the rival groups.

5. The learned Additional Public Prosecutor, Mr. Pravin Faldessai submitted that the offence is of serious nature and if the applicant is released on bail he may tamper with the witnesses. Learned Additional Public Prosecutor also states that he is not having any fixed address in Goa and if he is released on bail, there is every possibility that the accused-applicant may jump bail and may not be available at the time of trial.

6. On going through the complaint and supplementary

statement, there is no mention of name of the applicant assaulting the deceased. The complaint is filed against unknown persons. In the supplementary statement, the complainant named some of the assailants but that is also on the information he received. Already, other accused are released on bail. Chargesheet is already filed so applicant is entitled for the grant of bail on the grounds of parity. Thus, no purpose will be served by keeping the applicant behind bars specifically when there is no mention of complainant as assailant or any role played by him in the said offence. So far, an apprehension of state can be taken care by imposing certain conditions.

7. Accordingly, I pass the following :

ORDER

(i) The application is allowed.

(ii) The applicant, Mr. Tushar Dalai is directed to be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- and on furnishing two sureties in the like amount to the

satisfaction of the learned Additional Sessions Judge, Mapusa.

(iii) The applicant shall furnish his permanent address to the Court.

(iv) The applicant shall attend the hearing of the case on the dates fixed by the Trial Court.

(v) The applicant shall not leave the state of Goa without prior permission of the learned Additional Sessions Judge, Mapusa.

(vi) The applicant shall not influence, induce, threaten or coerce the witness.

(vii) The applicant's failure to abide by these conditions, will entail the prosecution to apply for cancellation of bail.

(viii) The application is disposed of in the aforesaid terms.

8. Parties to act on the basis of an authenticated copy of the order.

M. S. JAWALKAR, J.