

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL APPLICATION (BAIL) NO.31/2021**

Mr. Sandeep Vaman Raut
54 years of age,
son of late Vaman Raut,
resident of House no.264,
Madlawada Sal, Bicholim-Goa.

... Applicant

Versus

1. State, through Police Inspector,
Bicholim Police Station,
Bicholim – Goa.

2. The Public Prosecutor,
High Court of Bombay at Panjim.

... Respondents

AND**CRIMINAL APPLICATION (BAIL) NO.32/2021**

Mr. Prasad Sandeep Raut
Age 22 years,
R/o H.No.264,
Madhlawada Sal,
Bicholim-Goa.

... Applicant

Versus

1. State, through Police Inspector,
Bicholim Police Station,
Bicholim – Goa.

2. The Public Prosecutor,
High Court of Bombay at Panjim.

... Respondents

Mr. A.D. Bhobe with Mr. S. Sarmalkar, Advocates for the Applicants.

Mr. S. G. Bhobe, Public Prosecutor along with Mr. S. Dhargalkar, Additional Public Prosecutor for the State in CRMAB No.31/2021 and with Mr. P. Faldessai, Additional Public Prosecutor for the State in CRMAB No.32/2021.

CORAM : M. S. SONAK, J.

DATE : 16th February, 2021

P.C.

Heard Mr. A. D. Bhobe, learned counsel for the applicants in both these applications and Mr. S. G. Bhobe, the learned Public Prosecutor for the State.

2. Learned counsel for the parties state that both these applications can be disposed of by a common order. The Anticipatory Bail Application no.31 of 2021 has been instituted by Mr. Sandeep Raut who is the father of Prasad Raut, the applicant in Anticipatory Bail Application no.32 of 2021. Both the applications are concerned with Crime No.3/2021 registered at the Bicholim Police Station alleging commission of offences under Section 341, 326, 506(ii) and 379 r/w. 34 of the Indian Penal Code based on a complaint filed by Mr. Mukund Sakharam Raut.

3. The allegations against the applicants are that they threatened

the complainant Mukund with dire consequences of death and Prasad proceeded to commit a theft of the complainant's motorcycle which was lying on the road in the open space. There is also an allegation that the applicants restrained the complainant and assaulted him with baseball bat and kicks on account of which the complainant suffered serious injuries.

4. The respondents have filed their Say in the matter. Though, the offences are of a serious nature, there is really nothing in the Say which suggests that custodial interrogation of the applicants is necessary. No doubt, in para 7 it is pointed out that the applicants are habitual offenders in the sense there are at least six criminal cases registered against the applicants. However, Mr. Bhobe explains that these cases have no connection with the present allegations and these cases basically concern some devasthan property disputes. A perusal of para 7 of the Say submitted by the respondents indicates that the applicants are involved in the offences such as unlawful assembly, rioting, etc. Upon overall consideration of the material on record as well as the decision of the Hon'ble Supreme Court in *Sushila Aggarwal and others v. State (NCT of Delhi) and another – (2020) 5 SCC 1*, a case is made out for grant of anticipatory bail to the applicants. However, it is necessary to impose certain conditions.

5. Therefore, in the event of the applicants' arrest, they are directed to be released on bail on the following conditions:

- (i) The applicants shall furnish personal bond of ₹1,00,000/- each, with their recent self-attested photographs and two sureties, each of the like amount on the following conditions at the satisfaction of the investigating Officer;
- (ii) The applicants shall remain present before the concerned police station for a period of one week from tomorrow between 10.00 a.m. and 12.00 noon and thereafter as and when required by the concerned investigating officer;
- (iii) The applicants shall co-operate with the investigation and make themselves available for interrogation whenever required;
- (iv) The applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- (v) The applicants shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- (vi) The applicants shall not leave the State of Goa, without

prior permission of the Court, till the trial is over;

(vii) The applicants shall maintain law and order;

(viii) The applicants shall not commit any other offence whilst on bail;

(ix) The applicants shall, at the time of execution of the bond, furnish their address and mobile numbers to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case. In addition to the aforesaid the applicants shall also furnish their whatsapp numbers so that the investigating authorities are in a position to contact them. Mr. Bhobe states that the applicants will not disable these facilities so as to make it difficult for the police to contact them;

(x) The applicants shall regularly remain present during the trial, and co-operate with the Hon'ble Court to complete the trial for the above offences.

6. If the applicants breach any of the aforesaid terms and conditions, the order of anticipatory bail will be cancelled and it will be open to the investigating officer to file an application before the competent Court.

7. Both the applications are disposed of in the aforesaid terms.
8. All concerned to act based on the authenticated copy of this order.

M. S. SONAK, J.

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