

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (Bail) NO.39/2021.

ISMAIL SHAIKH @ KABBU ...Applicant.

VS

STATE OF GOA, THR.PUBLIC
PROSECUTRO AND ANR. ... Respondents.

Shri K. Raikar, Advocate for the applicant.

Shri P. Faldessai, Addl. Public Prosecutor for the
respondents.

Coram: SMT. M.S. JAWALKAR, J.

Date : 9th March, 2021

P.C.:

The present application is filed by the applicant accused no.3 to modify the bail condition no.11(2) in the order dated 16.12.2020 passed by the Hon'ble Children's Court at Panaji.

2. It is the contention of the learned counsel for the applicant that the deposition of the victim girl is already over. There is nothing against the applicant. The applicant is running a tax business and for that purpose as the

Airport is at Vasco he could not conduct his business efficiently.

3. The application for modification filed before the learned Children's Court has been dismissed, as the trial is not complete and victim resides in Vasco City.

4. The learned Additional Public Prosecutor strongly opposed the applicant and submitted that the reason for dismissal are justified and there is no need to modify the said condition.

5. I have perused the record. It appears that deposition of the victim girl concluded on 15.12.2020. As such, I do not see any reason not to modify the condition at para No.11(2) in the peculiar facts and circumstances of the case. However, Application is allowed to the extent that the accused no.3 shall visit the city of Vasco only for the purpose of his taxi business. At any rate, he shall not reside in city of Vasco. It is made clear that this order is modified in a peculiar facts of this case and not binding in any other matter.

6. Accordingly condition no.11(2) in the order dated 16.12.2020 passed by the Children's Court is hereby modified as under:-

“The applicant is allowed to visit the city of Vasco for his business purpose, however, he shall not at any rate reside in the city of Vasco because of victim girl resides at Vasco, until further orders.”

Bail Application stands disposed of.

Parties to act on the duly authenticated copy of this Order.

SMT. M.S. JAWALKAR, J.

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VINITA VIKAS NAIK Digitally signed by VINITA VIKAS NAIK
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