

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 41 OF 2021 (FILING)

Estendly Rodrigues

..... Applicant

V e r s u s

State, Thr. Police Inspector,
Cuncolim Police Inspector,
Cuncolim Police Station, Cuncolim And Anr.,

....Respondents

Mr. Ashwin D. Bhobe, Advocate for the Applicant.

Mr. Sagar Dhargalkar, Additional Public Prosecutor for the Respondents.

CORAM : NITIN W. SAMBRE, J.

DATE : 16th March, 2021

P.C.

The applicant is seeking pre-arrest bail in Crime No.14/2021 punishable under Section 143, 147, 323, 354, 149 of the IPC.

2. The submissions of the applicant are that he is not sharing good social relationship with the complainant. He has denied the incident particularly the one alleged under Section 354 of the IPC in the backdrop of

enmity.

3. The learned Additional Public Prosecutor while opposing the application for grant of bail states that the entire scene of offence is captured on CCTV camera and the CD drawn from the said recording depicts commotion. According to him, involvement of the applicant is inferred. In response to Court's query, his specific submission is involvement under Section 354 of IPC can't be inferred from the said piece of evidence. Apart from the above, the motive and intention of the applicant is required to be ascertained and as such custodial interrogation is necessary.

4. From the aforesaid rival submission it can be inferred that there is no direct evidence implicating the applicant's prima facie involvement for the crime in question of offence punishable under section 354 of the IPC. Apart from the above, there are no criminal antecedents and the applicant is very much available for the investigations. The rivalry between the complainant and applicant is also required to be taken into account, as such false implication cannot be ruled out. In that view of the matter, in the event of arrest in crime No.14 of 2021 punishable under Section 143, 147, 323, 354, 149 of the IPC, the applicant be released on executing PR bond of ₹25,000/- with one or more like sureties in the like amount. The applicant shall attend the police station on 18th, 19th and 20th March, 2021 between 10:00am to 12:00noon and thereafter as and when directed.

4. The applicant shall not influence the witness or tamper with the evidence. The learned Additional Public Prosecutor informs that the applicant but for Covid-19 situation is in Goa otherwise he is serving abroad. In that eventuality the applicant shall not leave the country without the prior permission of the Court.

NITIN W. SAMBRE, J.

msr.