

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO. 44 OF 2021

Praveen Dhankar, presently lodged in
judicial custody at Central Jail Colvale

... Applicant.

v/s.

Police Inspector, Porvorim Police Station,
Porvorim And Anr.

.... Respondents.

Mr. Sahil S. Sardessai, Advocate for the Applicant.

Mr. Pravin N. Faldessai, Additional Public Prosecutor for the
Respondents.

Coram: NITIN W. SAMBRE, J.

Date: 8th April 2021

P.C.:

The present applicant-accused No.2 in Crime No.11 of 2019 punishable under Section 364-A, 394, 342, 504 read with Section 34 of the I.P.C. is seeking regular bail.

2. The case of the prosecution is, the complainant alleged that on 22.01.2019 the present applicant alongwith three other co-accused with common intention abducted him under false pretext of showing some property. It is further alleged in the complaint that he

was assaulted and his belongings were snatched worth about ₹3,80,000/-.

3. The learned Court below objected to the prayer of the applicant for grant of bail on the ground that the trial has already commenced and the earlier prayer for bail was rejected on the ground of prima-facie involvement.

4. The learned Counsel for the applicant has invited my attention to the testimony of the complainant recorded at Exhibit-18 in Sessions Case No.33 of 2019 to substantiate his claim that the complainant has not supported the prosecution case against the present applicant. He would then urge that even if what has been stated by the complainant is accepted as gospel truth, the conviction against him cannot be achieved. Reliance is also placed on the order dated 23.02.2021 wherein this Court has directed release of accused No.1.

4. The learned Additional Public Prosecutor submits that the prayer for bail is liable to be rejected as it is apparent that the complainant was won over by the applicant and the other co-accused. According to him, the release of the applicant might jeopardise merits in the trial.

5. Considered submissions.

6. It is apparent from the contents in Exhibit-18, i.e. deposition of the complainant that he has not supported the case of the prosecution. Apart from above, the release of the co-accused vide order dated 23.02.2021 is a fact of which this Court is required to take judicial note of.

The case of the applicant is better placed as compared to that of accused No.1 who was already ordered to be released.

7. In the aforesaid background, in my opinion a case for bail is made out.

8. The applicant as such is directed to be released on bail on furnishing PR bond of ₹25,000/- in Crime No.11 of 2019 registered by the non-applicant with one or more sureties in the like amount.

9. Since the applicant is not a permanent resident of Goa, he shall furnish his address and contact number to the Investigating Officer within one week from his release.

10. Two consecutive default on part of the applicant to attend the hearings before the trial Court without reasonable cause shall entail the prosecution to move for cancellation of the bail which prayer, if so moved, is directed to be dealt with by the Sessions Court on its own merits.

11. The applicant shall not influence the witnesses or tamper with the evidence.

12. The application is allowed in the aforesaid terms.

NITIN W. SAMBRE, J

msr.