

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 45 OF 2021
IN
CRIMINAL MISC. APPLICATION (BAIL) NO.115 OF 2021
(FILING)

1. STATE, THR. VASCO POLICE
STATION, VASCO

...APPLICANT

Versus

1. RAJENDRA KUMAR KAHAR
@ RAJ KAHAR

...RESPONDENT

**Mr. Pravin Faldessai, Additional Public Prosecutor for the
Applicant.**

CORAM: MANISH PITALE, J

DATED: 6th October 2021

P.C.

1. By this application, the Applicant-State has approached this Court seeking cancellation of bail granted to the Respondent-Accused by order dated 06.05.2021 passed by this Court.

2. It is contended that this Court granted bail on the basis that while the maximum punishment for the offence alleged against the Respondent was seven years, he had already been in judicial custody for two years.

3. The learned Additional Public Prosecutor submits that this was held, perhaps on the basis that the Respondent was alleged to have committed offence under Section 363 of the Indian Penal Code(IPC), while record would show that the respondent is also charged with offence under Section 364-A of the IPC which

carries punishment of death or imprisonment for life. According to the learned Additional Public Prosecutor, this was an aspect which escaped the attention of this Court despite the fact that the offence charged under Section 364-A IPC was stated in the reply filed on behalf of the Applicant-State to the bail application filed by the Respondent-Accused.

4. This Court is of the opinion that, if violation of any condition while imposing bail was alleged, an application for cancellation for bail could have been considered. But the nature of contentions raised on behalf of the Applicant-State in this application for cancellation of bail, would show that entertaining the same would amount to virtually reviewing the order dated 06.05.2021, passed by this Court.

5. This Court is of the opinion that the present application, in view of this specific contention raised on behalf of the Applicant-State, cannot be entertained.

6. Needless to say, the Applicant-State would be at liberty to challenge the order dated 06.05.2021 passed by this Court in Criminal Misc. Application (Bail) No.115 of 2021(F), in accordance with law.

7. It is clarified that the Trial Court may proceed with the trial in accordance with law without being influenced by the observations made in the order dated 06.05.2021 passed by this Court in Criminal Misc. Application (Bail) No.115 of 2021(F).

8. Application stands disposed of.

MANISH PITALE, J.

ANDREZA PEREIRA Digitally signed by ANDREZA
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Date: 2021.10.07 09:58:20 +05'30'