

Aura

IN THE HIGH COURT OF BOMBAY AT GOA

Criminal Application (Bail) No. 62 of 2021

Deepak Arondekar

Applicant

Versus

Mr. Rajneesh Naik, Advocate for the Applicant

**Mr. S. Dhargalkar, Additional Public Prosecutor for
Respondent -State**

CORAM: MANISH PITALE, J

DATED: 8th September, 2021

Oral Order ;

1. By this application, the applicant is seeking anticipatory bail in respect of FIR No.135 of 2020 dated 30/10/2021 registered at the Porvorim Police Station, North Goa, for the offences under sections 323, 324, 506 (ii) r/w 34 IPC.

2. The learned counsel appearing for the applicant has invited the attention this Court to the complaint leading to the registration of the FIR and he submitted that as per the

complaint, the incident in question took place on 28/08/2020, while the complaint was submitted before the police on 30/10/2021, which was fairly belated. The learned counsel has further submitted that even if the contents of complaint were considered, the only role attributed to the applicant was that he had assaulted the victim with slaps and fist blows, while the co accused had allegedly assaulted the victim by means of thick cable wire. It was submitted that considering the delay in lodging the complaint and the role attributed to the applicant, he deserves to be granted anticipatory bail, as the applicant undertakes to abide by conditions that may be imposed by this Court, for grant of bail.

3. On the other hand, Mr. Dhargalkar, he learned Additional Public Prosecutor invited the attention of this Court to the say filed on behalf of the respondent/State and particularly, paragraph 7 thereof, wherein a list of 19 criminal cases registered against the applicant have been stated. It is submitted that the applicant has

criminal antecedents and, therefore, the present application deserves to be dismissed.

4. It is relevant to note that the Sessions Court also rejected the application for anticipatory bail filed by the applicant on the ground that there were various crimes registered against him.

5. Perusal of the FIR shows that the except the offence under section 506 (ii), all the other offences are bailable. The learned Additional Public Prosecutor, on instructions, from the Investigation Officer who is present in the Court sought to explain the apparent delay in lodging the complaint, by stating that there was typographical error in the complaint and that the incident in question had actually taken place on 28/10/2021 and not on 28/08/2020. Be that as it may, even if the incident had occurred on 28/10/2021, the FIR has been lodged after two days i.e on 30/10/2020.

6. The complaint shows that the only role attributed to the applicant was that he had assaulted the victim by slaps and fist blows.

7. There is no use of any weapon alleged against the applicant.

8. The criminal antecedents of the applicant are certainly a relevant factor while considering the reliefs sought in the present application. But, since the applicant has undertaken to abide by the conditions that may be imposed by this Court for grant of anticipatory bail, considering the nature of allegations made against the applicant in the present case, this Court is inclined to conditionally allow the present application. Accordingly, the application is allowed in the following terms:

(i) In the event the applicant is arrested in connection with FIR No 135 of 2020 dated 30/10/2020 registered at Porvorim Police

Station, Goa, he shall be released on bail on furnishing P.R. Bond of Rs.50,000/- (Rupees Fifty thousand only) with one surety in the like amount.

(ii) The applicant shall attend the Porvorim Police Station on every Monday and Friday of the week between 10a.m and 12 noon till the filing of the charge sheet.

(iii) The applicant himself or through any person shall not indulge in any activity that would tamper with the evidence or influence the witnesses.

9. Needless to mention, the violation of any of the aforesaid conditions would make the applicant liable to cancellation of bail.

MANISH PITALE, J.

MARIA
AURA
PEREIRA
Digitally signed
by MARIA AURA
PEREIRA
Date: 2021.09.08
15:23:49 +05'30'