

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION (BAIL) NO. 71 OF 2021

Rajesh Suresh Kerkar

... Applicant

Versus

State, Thr. PI/Officer in charge, Mapusa Police Station, Mapusa & anr. ... Respondents

Ms. Caroline Collasso, Advocate for the Applicant.

Mr. S. G. Bhobe, Public Prosecutor for the State-Respondents.

CORAM: MANISH PITALE, J

DATED: 18th November, 2021

P.C.

1. Heard learned Counsel appearing for the Applicant.
2. Although this application is coming up for consideration for the first time, since an advance copy of the application along with the document, was served at the office of the learned Public Prosecutor, Mr. S. G. Bhobe, Public Prosecutor, has appeared on behalf of the Respondent-State.
3. In the application, the Applicant states that he is not aware why the police desires to arrest him. It is stated that barring offence under Section 506(II) of the Indian Penal Code (IPC), all the other offences are bailable. It is further stated that the Applicant is ready to co-operate with the investigation.
4. A perusal of the documents shows that the First Information Report (FIR) in the present case was registered on 04.06.2021 at the

Mapusa Police Station in North Goa, for offences under Section 451, 504, 323, 427 and 506(II) read with Section 34 of the IPC.

5. The Applicant moved the Sessions Court in the first place for grant of anticipatory bail, wherein the Respondent-State filed its detailed say opposing grant of anticipatory bail to the Applicant.

6. The order dated 08.07.2021 passed by the Sessions Court shows that the Applicant was granted interim protection during the pendency of the application for anticipatory bail before the Sessions Court. In paragraph 9 of the said order, the Sessions Court has recorded that after filing of the application before the said Court, the Applicant and his associates visited the complainant and committed a similar offence for which another FIR was registered against the Applicant and his associates. It is also found that the Applicant misused the interim protection granted by the Sessions Court and intimidated the complainant in committing a similar offence.

7. It is also found on checking the antecedents of the Applicant that since the year 2010, the Applicant has applied for either regular bail or anticipatory bail on eight occasions, including the case at hand, besides being tried for an offence of attempt to murder. Although the Applicant is said to have been acquitted in the said offence, the material on record clearly indicates that the Applicant has criminal antecedents and there is every possibility of the Applicant tampering with the evidence or influencing the complainant and other witnesses.

8. It is for this reason that despite recording the law laid down by the Hon'ble Supreme Court in the case of *Siddharama Satlingappa*

*Mhetre vs. State of Maharashtra*¹, the Sessions Court came to the conclusion that grant of anticipatory bail to the Applicant would result in the possibility of the witnesses being influenced.

9. That apart, this Court has perused the allegations made against the Applicant in the present case. *Prima facie*, there appears to be substance in the case. The criminal antecedents of the Applicant are evident from the material on record and the order of the Sessions Court in the present case rejecting anticipatory bail is dated 08.07.2021.

10. The Applicant moved the present application before this Court as late as on 29.09.2021 and it has been circulated today i.e. 18.11.2021, for seeking anticipatory bail.

11. In view of the material placed on record, this Court is convinced that no case for grant of anticipatory bail is made out by the Applicant. Accordingly, the application is dismissed.

MANISH PITALE, J

¹ 2011(1) Crimes 109 (SC)