

Andreza

**IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION (BAIL) NO. 68 OF
2021 (FILING)**

Juliano Carvalho, Presently lodged in
Judicial Custody at Central Jail
Colvale, Thr, Adney Carvalho

...Applicant

Versus

1. State of Goa, Thr. The Police
Inspector, Sanguem Police Station,
Sanguem & anr.

...Respondents

Mr. Sanman Keny, Advocate *for the Applicant.*

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

CORAM: MANISH PITALE, J

DATED: 28th October 2021

P.C.

1. By this application, the Applicant is seeking bail in connection with the FIR registered on 11.10.2019 at Sanguem Police Station, South Goa, alleging that he committed offences under Sections 458, 323, 324, 376 and 506(II) of the Indian Penal Code (IPC).

2. The allegation appears to be that the Applicant committed the crime on 11.10.2019 when the prosecutrix was asleep. The learned Counsel appearing for the Applicant submits that the Applicant and the prosecutrix are neighbours and that the prosecutrix is running a bar.

3. The investigation was completed and chargesheet was filed on 07.11.2019. The Applicant was arrested on the date of registration of the FIR i.e. 11.10.2019 thereby showing that he has remained in custody for more than two years.

4. The learned Public Prosecutor, on instructions, submits that recording of evidence is undertaken before the Sessions Court. Some of the witnesses have been examined.

5. Considering the nature of allegations and the fact that investigation was completed as far back as in November, 2019, this Court is of the opinion that the Applicant can be released on bail by imposing appropriate conditions. The main apprehension appears to be that if the Applicant is released on bail, he may influence the witnesses particularly the prosecutrix, who happens to be a resident of the Village Sanguem, which is the Village where the residence of the Applicant is also located. Appropriate condition can be imposed for addressing the aforesaid apprehension.

6. In view of the above, the application is allowed in the following terms :

(a) The Applicant shall be released on bail upon furnishing a PR bond of ₹ 25,000/- with one surety in the like amount.

(b) The Applicant shall not enter jurisdiction of Police Station Sanguem, South Goa, during the pendency of the trial.

(c) The Applicant shall not himself or through any other person tamper with the evidence or influence the witnesses.

7. Needless to say, the violation of the above conditions will make the Applicant liable for cancellation of bail.

8. It is further clarified that the observations in the present order shall not influence the Sessions Court in the course of the trial.

MANISH PITALE, J.

ANDREZA PEREIRA Digitally signed by ANDREZA PEREIRA
Date: 2021.10.28 15:08:01 +05'30'