

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 6 OF 2022

AARTI HARESH PREMANI AND 2 ORS ... Applicants

VS

STATE OF GOA THR. SR. P.I.

PORVORIM POLICE STATION ... RESPONDENT

Mr. Kishin Poptani, Advocate for the Applicants.

Mr. S.G. Bhobe, Public Prosecutor for the Respondent.

CORAM:

A.K. MENON, J.

DATED:

23rd MARCH 2022

ORDER.

1. The Applicants who were three in number, seek pre-arrest bail in relation to offences punishable under Sections 447, 323, 504 and 506 read with Section 34 of the IPC. The prosecution has proceeded on the basis that on 17.10.2021, the complainant and his friends were staying at Neo Majestic Hotel, and at 2:30 a.m. on 22.10.2021, while the complainant was in his room, one Naresh Rohra alongwith three unknown ladies, entered his room and abused him and assaulted him with the common intention of

killing him. One of the ladies allegedly brandished a knife and another was video recording the incident and sharing it with one Anil Jaisinghani and Akshan Jaisinghani. The allegations are that the accused persons took away cash of ₹30,000/- and a gold chain worth ₹90,000/-. The video recording has allegedly been captured and made viral on social media. The entire incident is believed to have been captured in the CCTV footage of the hotel. FIR is lodged on 23.10.2021. The applicants had sought bail before the District and Sessions Judge, North Goa by filing Anticipatory Bail Application No. 328/2021, which came to be rejected. Hence, they seek protection from this Court against arrest.

2. The learned Counsel for the Applicants has pointed out that the incident was inaccurately recorded in the complaint and the complaint itself is full of contradictions. It is submitted that to start with, the ladies are described as “unknown persons”, whereas in the same complaint, it is alleged that they are habitual offenders having cases registered for extortion in Goa by various people. The complainant proceeds on the basis that the accused took away cash of ₹30,000/- and a gold chain worth of about ₹90,000/-.

3. On behalf of the State, the learned Public Prosecutor has opposed the Application on the basis that the Applicants have deliberately failed to attend the investigation and co-operate with the Investigating Officer, inasmuch as despite having been served with a notice to appear under Section 41-A of the Cr.P.C., the Applicants failed to appear at the Porvorim Police Station on 13.11.2021. Even earlier, they had been called upon to appear on 02.11.2021, but they did not turn up and merely sought time. During the course of the investigation, a “hurt certificate” was collected by the complainant from Goa Medical College, Bambolim and the injuries suffered were grievous and therefore, the charge under Section 325 of the IPC was required to be added. The accused persons have fled from Goa and are now not cooperating and in effect, the investigation requires custodial interrogation because the stolen property involves cash of ₹30,000/- and a gold chain worth ₹90,000/-, which are required to be recovered. It is submitted that by not complying with the notice they are avoiding the investigation and being natives of Maharashtra, they are likely to jump bail conditions. He, therefore, has opposed the Application on the aforesaid basis.

4. A perusal of the order dated 04.02.2022 reveals that the District Court has found that it is Naresh Rohra, who is alleged to have assaulted the complainant. The complainant has also informed that the gold chain was snatched from his neck and said Naresh Rohra took away cash and the gold chain left on the bed. Thus, the allegations in the original complaint appear to be at variance with what is recorded in the order. The allegations are also vague to some extent. In these circumstances, I am of the view that the three Applicants can be granted bail subject to conditions. Accordingly, I proceed to pass the following order:

- (a) In the event of arrest of the Applicants, each of the Applicants shall be released on bail by furnishing a P.R. Bond of ₹25,000/- each with one surety in the like amount.
- (b) The Applicants shall report to the Porvorim Police Station on 1st and 15th of each month and co-operate with the investigation.
- (c) The Applicants shall not tamper with evidence or contact any of the witnesses or seek to influence the investigation in any manner.
- (d) The Applicants shall attend every hearing before the trial court.

- (e) The Applicants shall furnish all residential addresses, they use and furnish a photocopy of valid photo identification such as Aadhar Card disclosing the permanent address and PAN Card to the Investigating Officer.
- (f) Needless to mention, in the event of a breach of any conditions, the bail shall stand cancelled. The observations made in the order are for the limited purpose of bail and the trial court shall proceed without being influenced by any of these observations.

5. The Application is disposed in the above terms.

A.K. MENON, J.

VAIGANKAR
ESHA SAINATH

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