

*Esha*

**IN THE HIGH COURT OF BOMBAY AT GOA**

**CRIMINAL APPLICATION (BAIL) NO. 11 OF 2022**

Younes Dahmane, Presently in  
Judicial Custody, Modern Central  
Jail, Colvale ... Applicant  
Vs  
State of Goa (Rep. by Officer in  
Charge/Police Inspector) & Another ... Respondents

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Mr. Salil S. Saudagar, Advocate for the Applicant.

Mr. Pravin Faldessai, Additional Public Prosecutor for the  
Respondents.

**CORAM: C.V. BHADANG, J.**

**DATED: 20 APRIL 2022**

**P.C.:**

This is an Application for bail.

2. The applicant has been chargesheeted for the offence punishable under Sections 326, 504, 506 (II) of IPC read with Section 8 of the Goa Children's Act, 2003 arising out of Crime No. 72/2022 of P.S. Canacona.

3. The applicant was arrested on 18.12.2021 and since then, is in custody. One of the reasons for rejecting the bail by the Children's Court is that the applicant is a foreign national. The Children's Court has also found that the applicant cannot be released unless the victim, who is a boy, who was aged about 17 years and 8 months at the time of the incident, is examined at the trial.

4. In the submission of the learned Counsel for the applicant, none of the reasons are sustainable as the applicant is having a valid passport, which will expire in the year 2028 and is also holding an Indian visa, which will expire on 16.02.2026.

5. The learned Additional Public Prosecutor submitted that the child was assaulted by knife and has suffered grievous injury and the offence is serious.

6. I have considered the circumstances and the submissions made.

7. *Prima facie*, it can be seen that the genesis of the incident is a brawl between the dogs, one each of the complainant and the applicant. Thus, it can be seen that there may not be any pre-meditation and the incident appears to have happened at the spur of the moment. The investigation is complete and the chargesheet is filed. As noted earlier, the applicant is holding a passport and an Indian visa, which are valid upto 2028 and 2026 respectively.

8. Considering the overall circumstances, the following order is passed:

**O R D E R**

(a) The applicant be released on bail in Crime No. 72/2022 of P.S. Canacona, on furnishing a P.R. Bond in the sum of ₹50,000/- with one or two solvent sureties in the like amount to the satisfaction of the Children's Court.

(b) The applicant shall undertake to remain present before the Children's Court during the course of trial unless exempted.

(c) The applicant shall deposit his passport before the Children's Court.

(d) The applicant shall furnish his local address alongwith proof to the satisfaction of the Children's Court.

9. The Criminal Application (Bail) stands disposed of in the above terms.

**C.V. BHADANG, J.**