

Andreza

**IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION (BAIL) NO. 4 OF 2022**

Pankaj Kumar Mali, Presently in Judicial
Lock Up at Modern Jail, Colvale ... Applicant

Versus

State, Thr. Public Prosecutor & anr. ... Respondents

Mr. Arun Bras De Sa, Advocate with *Mr. Anup A. Gaonkar and
Mr. Sahil Sardessai, Advocate for the Applicant.*

Mr. Mahesh Amonkar, Additional Public Prosecutor for the
Respondents-State.

**CORAM: MANISH PITALE, J
DATED: 22nd February 2022**

ORAL ORDER

1. Heard Mr. Arun Bras De Sa, learned Counsel appearing for the Applicant and Mr. Mahesh Amonkar, learned Additional Public Prosecutor appearing for the Respondents-State.
2. By this application, the Applicant is seeking bail in connection with FIR No. 135/2018 registered with the Anjuna Police Station dated 24.08.2018, for offence under Section 302 of the Indian Penal Code (IPC). The Applicant is the sole accused in the present case.
3. The Applicant was arrested on the date of registration of the offence i.e. 24.08.2018, and he has continued behind bars since then.

4. The learned Counsel appearing for the Applicant, has invited attention of this Court to the complaint leading to registration of First Information Report (FIR). It is submitted that even if the contents of the complaint are to be accepted, the incident in the present case appears to be of sudden nature and there is only one injury inflicted by the Applicant, who happened to be a cook in the Restaurant being run by the son of the complainant. According to the Applicant, it appears that, in a sudden scuffle, the injury came to be inflicted on the victim, which ultimately led to his death. It is submitted that the Applicant has no criminal antecedents. The trial is yet to begin and the Applicant is ready to abide by the terms which this Court may impose for grant of bail.

5. The learned Additional Public Prosecutor submitted that in this case, the assault on the victim was carried out by means of knife. Although it was a single blow, it resulted in the death of the victim. It is further submitted that the applicant is admittedly native of Uttar Pradesh and, therefore, it would be risky to enlarge the Applicant on bail as there are chances of his absconding.

6. Heard the learned Counsel appearing for the rival parties and perused the material on record.

7. The complaint dated 24.08.2018, submitted by the complainant, shows that in the present case, the Applicant was working as a cook in the Restaurant being run by the son of the complainant. It appears that there was an altercation that occurred between the Applicant and the waiter working in the said Restaurant i.e. the victim. The altercation allegedly led to the Applicant picking up a knife and inflicting a single

blow on the body of the victim. This resulted in the death of the victim. Even as per the complaint, the knife appears to have been picked up from the place of work of the Applicant, who was admittedly working as a cook and there was only a single blow inflicted on the victim perhaps during the course of the scuffle in the heat of moment.

8. There are no criminal antecedents of the Applicant and the apprehension expressed on behalf of the Respondent-State about the possibility of the Applicant absconding or not co-operating with the proceedings before the Trial Court, can be addressed by imposing appropriate conditions.

9. Considering the nature of the incident and the fact that the Applicant has remained behind bars for almost four years, this Court is inclined to allow this application by imposing appropriate conditions.

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

(a) The Applicant shall be released on bail in connection with FIR No. 135/2018 dated 24.08.2018, registered at the Anjuna Police Station, North Goa, on furnishing PR bond of ₹ 50,000/- with one surety in the like amount to the satisfaction of the Trial Court.

(b) The Applicant shall furnish the details of his place of residence within the State of Goa, within two weeks of his release before the Trial Court.

He shall also furnish details of his contact numbers including mobile numbers.

(c) The Applicant shall, for the first four weeks upon his release, report to the Police Station at Anjuna, everyday between 10.00 a.m. to 12.00 noon. Thereafter the Applicant shall report to the said Police Station on every first and third Monday of the month between 10.00 a.m. to 12.00 noon during the pendency of the trial.

(d) The Applicant shall co-operate with the trial of the proceedings and he shall remain present before the Trial Court on every hearing of the proceedings.

(e) The Applicant shall not leave the State of Goa during the pendency of the trial without the permission of the Trial Court.

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

11. Needless to say, that violation of any of the aforesaid conditions shall make the Applicant liable to cancellation of bail.

12. It is made clear that the observations made in this order shall not influence the Trial Court in further proceedings.

MANISH PITALE, J