

Vinita

**IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION(BAIL) NO.7 OF 2022.**

KALPESH DASHRATH PATIL ... Applicant.
VS
STATE OF GOA THR. THE PUBLIC
PROSECUTOR AND ANR ...Respondents.

Ms. S. Drago, Advocate for the Applicant.

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

WITH

CRIMINAL APPLICATION NO.164 OF 2022-F

DEVIDAS RAJARAM MALKAR ...Applicant.
VS
STATE OF GOA THR. THE PUBLIC
PROSECUTOR AND ANR. ...Respondents.

Mr. S. Sardessai, Advocate for the applicant/intervenor.

**CORAM: M. S. KARNIK, J
DATED: 24th MARCH 2023**

P.C.

1. Heard learned counsel for the applicant, learned Public Prosecutor for the State as well as learned Counsel for the intervenor.
2. Learned Counsel for the intervenor opposed the application for releasing the applicant on anticipatory bail.
3. There are in all 12 co-accused. I am informed that the main accused has been released on regular bail. The applicant at the relevant time was 25 years of age. On 27.4.2022, while granting interim protection to the applicant this Court has observed thus:-

- “1. The applicant apprehending arrest in connection with Investigation of crime no.6 of 2022 of Porvorim Police Station, under Section 409, 420 read with Section 120B of IPC, he is seeking anticipatory bail.
2. The aforesaid crime is registered on the basis of the complaint lodged by Devidas Malkar, who is manager of Secure Value India Ltd. The offence pertains to the misappropriation of the cash which was entrusted to the applicant and co-accused for refilling of the Automated Teller Machine(ATMs) of various banks. The total amount involved in the offence at this stage is about 2 crores 5 lakhs. It transpires during the course of the hearing that different routes were assigned to different sets of accused for refilling of the ATMs on that route.
3. The learned Public Prosecutor, on instructions from the Investigating Officer who is present in court states that in so far as the present applicant is concerned, the amount involved is around Rs. 7 lakhs and on the said route it is Rs.41 lakhs. He submits that for the present the applicant may be directed to join the investigation, in as much as the applicant has failed to report to the Investigating Officer twice inspite of notice under Section 41 A of the

Cr.P.C.

4. *The learned Counsel for the applicant states that she will take instructions, without prejudice to the claim of the applicant as to whether the applicant can deposit full or any part of the amount of Rs. 7 lakhs.*
5. *In such circumstances, I find that for the present, the applicant can be granted interim protection subject to conditions. Hence, I pass the following:-*
 - i. *In the event of his arrest the applicant Kalpesh Dasharath Patil, be released on bail on execution of a PR bond in the sum of Rs.25,000 with one or two solvent sureties in the like amount.*
 - ii. *The applicant shall report to the Investigating Officer on 1.5.2022, 2.5.2022 and 3.5.2022 between 11.00 am to 1.00p.m and as and when required by the Investigating Officer and shall co-operate with the Investigation agency.*
 - iii. *The applicant shall furnish his permanent address along with proof and mobile number to the Investigating Officer.*
 - iv. *The applicant shall not directly or indirectly make any attempt to contact or to influence the prosecution witnesses or to otherwise tamper with the prosecution evidence.*
 - v. *In the event of breach of any of the conditions, the interim bail is liable to be cancelled.*
 - vi. *This order shall remain in force till next date.*

6. *Stand over to 10.6.2022.”*

4. The applicant has joined the investigation and co-operated with the investigation in terms of the directions of this Court. The applicant has also deposited a sum of Rs.3.5 lakhs in this Court to show his bonafide which was without prejudice. The said deposit shall abide by the final order that may be passed by the trial Court. The custody of the applicant is not necessary. Interim protection can be confirmed.

5. Though this application is resisted by the learned counsel for the intervenor, in my opinion as observed earlier, the custodial interrogation of the applicant is not required, moreover when he has complied with the directions of this Court and joined the investigation. Interim protection granted on 27.4.2022 is confirmed. Hence, I pass the following order:-

O R D E R

- i. In the event of his arrest the applicant Kalpesh Dasharath Patil, be released on bail on execution of a PR bond in the sum of Rs.25,000 with one or two solvent sureties in the like amount.

- ii The applicant shall furnish his permanent address along with proof and mobile number to the Investigating Officer.
 - iii. The applicant shall not directly or indirectly make any attempt to contact or to influence the prosecution witnesses or to otherwise tamper with the prosecution evidence.
 - iv. In the event of breach of any of the conditions, the bail is liable to be cancelled.
6. Applications stand disposed of.

M. S. KARNIK J.

VINITA VIKAS NAIK Digitally signed by VINITA VIKAS NAIK
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