

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO. 19 OF 2022
IN
CRIMINAL APPEAL NO. 05 OF 2023

Roque @ Rocky Fernandes, Presently lodged ...Applicant -
in Judicial Custody, Colvale Appellant
Versus

State, As Rep. By the Officer in Charge, Anti ...Respondents
Narcotic Cell, Panaji, & Anr.

Ms. Caroline Collasso, Advocate with *Mr. K. Poulekar,*
Advocate for the Applicant-Appellant.

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

CORAM: B. P. COLABAWALLA, J
DATED: 1st FEBRUARY 2023

ORAL ORDER

1. The Criminal Appeal No. 05/2023 has been admitted by me today by a separate Order. The above application is made seeking regular bail.

2. I have heard the learned Counsel appearing on behalf of the Appellant and the learned Additional Public Prosecutor appearing on behalf of the Respondent-State.

3. The learned Advocate appearing on behalf of the Appellant fairly brought to my attention the Order passed by this Court on 27.11.2021 (Manish Pitale, J.), under which the bail applied for by the

Appellant was rejected. However, the said Order directed that the Appeal is expedited and the Appellant was granted liberty to renew the prayer for bail if the said Appeal was not heard and disposed of within six months from today.

4. The Learned Counsel appearing on behalf of the Appellant fairly stated that the Appeal has not been disposed of not for any fault of this Court or that of the prosecution, but because the office objections were not removed by the Appellant. They have now been removed and she would renew her application for bail if the above Appeal is not disposed of within a period of six months from today. She submitted, however, that currently the children of the Appellant, namely, Master Manuel Fernandes and Ms. Keziah Fernandes, are receiving the sacrament of the First Holy Communion on 12.02.2023 at St. Michael's Church, Anjuna, Bardez, Goa. They are the children of the Appellant and Mrs. Sofia Fernandes. The learned Counsel submitted that the parents are required to be present for the preparation of the sacrament of the First Holy Communion. She therefore prayed that the Appellant be granted temporary bail up to 13.02.2023 so as to permit the Appellant to attend the First Holy Communion of his children. The Appellant has also produced a letter from the Parish Priest of St. Michael's Church, which is taken on record and marked 'X' for identification.

5. Considering that the children of the Appellant are receiving their First Holy Communion on 12.02.2023, purely out of mercy and in the peculiar facts and circumstances of the case, the Appellant is released on temporary bail up to 13.02.2023.

6. The Appellant shall not leave the State of Goa and shall surrender to the Superintendent of Central Jail, Colvale, on 14.02.2023 at 12.00 p.m. If for any reason the Appellant does not surrender himself to the Authorities on 14.02.2023, the Police Authorities shall be entitled to arrest him and take him into custody. The Appellant shall thereafter not be entitled to apply for bail pending the Criminal Appeal No. 05 of 2023.

7. Subject to the Appellant surrendering on 14.02.2023 at 12.00 p.m., (as mentioned above), the Appellant shall be entitled to apply for regular bail if the above Appeal is not heard and disposed of within a period of six months from today. Needless to clarify, that if such a bail application is made, the same shall be decided on its own merits and in accordance with law.

8. The above bail application is disposed of in the aforesaid terms. Place the above matter on board on 15.02.2023 for compliance, on the supplementary board.

9. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

B. P. COLABAWALLA, J

ANDREZA PEREIRA Digitally signed by ANDREZA
PEREIRA
Date: 2023.02.01 18:22:09 +05'30'