

Esha

**IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO. 31 OF 2022**

Chotu Pal, Presently lodged in Judicial
Custody) ... Applicant
Versus
The Police Inspector, Crime Branch &
Another ... Respondents

**WITH
CRIMINAL APPLICATION (BAIL) NO. 607 OF 2022 (F)**

Rahul Rathod, presently lodged in
Judicial Custody at Central Jail, Colvale ... Applicant
Versus
State of Goa, Thr. Public Prosecutor &
Another ... Respondents

Mr. Sangram Desai with Mr. Abhay Chikhlikar and Mr.
Bhargav Samant, Advocates for the Applicant in CRMAB
No. 31/2022.

Mr. Vibhav Amonkar, Advocate for the Applicant in
CRMAB No. 607/2022 (F).

Mr. S. G. Bhobe, Public Prosecutor for the Respondents in
CRMAB No. 31/2022 and CRMAB No. 607/2022 (F).

CORAM: B . P. COLABAWALLA, J.

**Reserved on : 15th February 2023
Pronounced on : 3rd March 2023**

1. Both the above Bail Applications have been filed under
Section 439 of the Code of Criminal Procedure, 1973 [for short,

“the Cr.P.C.”] seeking regular bail. Since the grounds on which both the Applicants seek bail are almost identical, both the above Applications are being disposed of by this common order.

2. Both the Applicants are citizens of India and are presently lodged in Judicial Custody at Central Jail, Colvale. The Applicant in CRMAB No. 31/2022 (**Chotu Pal**) is a domicile of Goa and permanently resides at the address set out in the cause title. As far as the Applicant in CRMAB No. 607/2022 (F) (**Rahul Rathod**) is concerned, he is a native of Uttar Pradesh, but resides at the address mentioned in the cause title.

3. *Chotu Pal* was arrested on 02.05.2022 at Surat, Gujarat, while he was at his relative's place. He was arrested in relation to Crime No.193/2021 and charged under Sections 141, 143, 144, 147, 148, 326, 307, 427, 120-B read with Section 149 of the Indian Penal Code, 1860 (the **IPC**). *Chotu Pal* is Accused No. C-4. As far as *Rahul Rathod* is concerned, he was arrested on 29.12.2021 in Crime No.193/2021 and charged with the same Sections of the IPC as *Chotu Pal*. *Rahul Rathod* is Accused No. A-1.

4. The facts of this case would reveal that an FIR has been registered pursuant to a complaint dated 28.12.2021 filed by one John Jude Lobo alleging *inter alia* that 10 to 15 persons pelted stones, empty bottles, metal pipes and iron rods in order to damage his property. It was further alleged that when the staff tried to stop them from entering inside his property, the Applicants assaulted them with available material carried by them thereby causing injuries to the staff members. It was alleged that the said attack could be at the instance of Mr. Rajeev Arora who had previously damaged the property with the help of local goon Sunil Bhomkar. It is pursuant to the said complaint that an FIR was originally registered with Calangute Police Station and subsequently transferred to Respondent No. 1 – Crime Branch, Ribandar [in CRMAB No. 31/2022]. Respondent No. 1 thereafter investigated the said crime and filed a Police Report under section 173 of the Cr.P.C. / chargesheet dated 25.02.2022 before the Judicial Magistrate First Class bearing No.27/2022 on 28.02.2022.

5. It is the case of both the Applicants, that they are neither named in the complaint nor is there any material on record which would connect them to the said crime. As far as *Chotu Pal* is concerned, as mentioned earlier, he was absconding and was

arrested on 02.05.2022. He thereafter preferred a Bail Application before the Sessions Court on 10.06.2022, and which was rejected on 20.08.2022. Thereafter, an additional chargesheet was filed on 24.08.2022 against *Chotu Pal* and some other Accused including *Rahul Rathod*. Because of the additional chargesheet, *Chotu Pal* filed another Bail Application bearing No. Sessions Case (Ors) No.57/2022 on 14.09.2022 and which was rejected on 10.11.2022. This is how *Chotu Pal* has approached this Court for Bail. *Chotu Pal* has now been in custody for almost nine months.

6. As far as *Rahul Rathod* is concerned, he was arrested on 29.12.2021. He too had filed a Bail Application before the Adhoc Additional Sessions Judge, North Goa at Mapusa and which was rejected vide order dated 19.05.2022. Subsequently, *Rahul Rathod* approached this Court seeking Bail by filing Bail Application No. 310/2022 (F). However, vide order dated 22.06.2022, this Court permitted the Applicant [*Rahul Rathod*] to withdraw the said Application and accordingly, the same was disposed of as withdrawn. Thereafter, *Rahul Rathod* has filed the above CRMAB No. 607/2022 (F).

7. Mr. Sangram Desai, the learned Advocate appearing on behalf of *Chotu Pal*, and Mr. Vibhav Amonkar, the learned Advocate appearing on behalf of *Rahul Rathod*, both, took me to the statements recorded by the Police of Shri Anup Tripathi, Shri Vikas Parwar and one Shri Aditya Rawool. Both the Counsels submitted that when these statements were recorded, the version of what transpired during the incident on 28.12.2021 is set out. They pointed out that Anup Tripathi, in his statement dated 30.12.2021 states that on 28.12.2021, at around 21:30 hours, while he was on duty at the reception counter at Souza Lobo Bar and Restaurant, Calangute, Bardez, Goa, he noticed that a group of 30 to 40 people had gathered outside the Restaurant who were equipped with hockey sticks, wooden dandas, iron rods and chopper knife, and were seen coming to the said Restaurant. Mr. Tripathi further stated that the said group was led by one Gajendra Singh. Gajendra Singh, according to Mr. Tripathi, was accompanied by other persons namely, Sunil, Rahul [*Rahul Rathod*], Sitaram, Avinash, Santosh, Vijay, Sohail, Hemant @ Gill, Lokesh Pandey, Kishore, Limboo, Bravo @ Kaliya [*Chotu Pal*], Pushpendar, Malu, Sunil Bhomkar, Stanley, Akbar, Dhiraj and others. Mr. Tripathi has stated that looking at Gajendra Singh and others, he approached them in order to restrain them as they were armed with hockey

sticks, iron rods and wooden dandas and were in a position to enter the Restaurant. At that time, Gajendra Singh fired one gunshot in the air. Upon seeing this, Tripathi got scared and therefore, he tried to snatch the gun from the hands of Gajendra Singh, and he fired one gunshot in the air for his safety. Mr. Tripathi has further stated that Sunil Bhomkar assaulted him with a knuckle duster on his face and others assaulted him with hockey sticks, iron rods and wooden dandas due to which he fell down and was rendered unconscious. He finally gained consciousness in GMC, Bambolim at Ward No. 111 at Bed No. 18 and was presently undergoing medical treatment. He has stated that he could identify the other persons who accompanied Gajendra Singh which included *Rahul Rathod* and *Chotu Pal*.

8. In the statement of Vikas Parwar also dated 30.12.2021, he stated that he was working as a Bar Attendant at Souza Lobo Restaurant for the last two years. He has stated that on 28.12.2021, at around 15:00 hours, he joined his duties in order to perform his routine work at the Restaurant. He too has stated that at around 21:30 hours, on the same day, while he was on duty at Souza Lobo Restaurant, he noticed that a group of 30 to 40 people had gathered outside the Restaurant and were armed with hockey sticks, wooden

dandas, iron rods and chopper knife, and all these persons were entering Souza Lobo Restaurant. He has stated that the said group was led by Chotu [full name is not known] who is running a Dance Bar at Calangute along with other persons namely, Sunil, Rahul [Rahul Rathod], Sitaram, Santosh, Sohail, Vijay, Hemant @ Gill, Lokesh Pandey, Kishore, Limboo, Bravo @ Kaliya [Chotu Pal], Pushpendar, Malu, Sunil Bhomkar and others. He has stated that looking at this, the Restaurant Manager namely, Mr. Anup Tripathi, who was at the Restaurant counter, went down to restrain them from entering the Restaurant. At that time, Sunil Bhomkar, assaulted Tripathi with a knuckle duster and the others assaulted him with hockey sticks, iron rods and wooden dandas causing him blood injuries. He has stated that in the meanwhile, he also ran to Tripathi to rescue him from the hands of Sunil and others. He has stated that at that time, one gunshot was fired by one Chotu [Gajendra Singh]. He has stated that while he was on the way to rescue Tripathi, Sunil Bhomkar came near the staircase and assaulted him with an iron rod, causing blood injuries by virtue of which, he fell unconscious. He has stated that he gained consciousness at Primary Health Centre, Candolim where he was medically examined by the Doctor and soon after the medical examination, he was shifted to GMC, Bambolim. He too has stated

that he could identify the said persons, namely, Rahul [*Rahul Rathod*], Sunil, Sitaram, Santosh, Sohail, Vijay, Hemant @ Gill, Lokesh Pandey, Kishore, Limboo, Bravo @ Kaliya [*Chotu Pal*], Pushpendar and Malu.

9. Both Counsels, after taking me through the aforesaid statements, submitted that other than these statements, there is absolutely no evidence whatsoever against both the Applicants above named. They submitted that in the facts of the present case, there is also CCTV footage and there is also a Panchanama recording that the CCTV footage was seen by the Panchas and the Police on 03.01.2022. After the CCTV footage was seen by the Police, a supplementary statement was also recorded of said Anup Tripathi and Vikas Parwar on 25.01.2022.

10. It is submitted that in the supplementary statement, now Anup Tripathi says that though on 30.12.2021 [wrongly mentioned as 31.12.2021], his statement was recorded wherein he had stated that Chotu [Gajendra Singh] had brought the gun and that he had snatched it from him and fired in the air, the said statement was incorrect as he was under a lot of pain and he did not disclose that the said pistol/gun belonged to him as he was afraid

that he would be arrested from the Hospital itself and would not get treatment. He has stated that when Chotu [Gajendra Singh] and Sunil Bhomkar and his gang attacked him, due to fear, he removed his gun, which was inserted in the waist of his jeans and fired it in the air for his safety and tried to disperse the crowd. He has stated that he had no intention to hurt anyone and the gun was fired only to save himself. He has stated that he had purchased the gun from Uttar Pradesh and used it for his self-defence. Shri Vikas Parwar has virtually stated the same thing in his supplementary statement as well.

11. Both the Counsels submitted that looking at the supplementary statements of Anup Tripathi as well as Vikas Parwar, it is clear that they have unhesitatingly lied to the Police about what actually transpired during the incident on 28.12.2021. In other words, they submitted that their initial statements recorded on 30.12.2021, and which allegedly identified the Applicants as present at the scene of the crime, cannot be believed. They stressed this fact even from the point of view that in the CCTV footage also, the Applicants are not identified as being present. They submitted that the CCTV footage was seen by the Panchas and the Police on 03.01.2022 and yet, the same was not shown to Mr. Tripathi or to

Mr. Parwar. They submitted that in the facts of the present case, even a test identification parade has not been done by the Police. It is submitted that when one looks at all of these facts, coupled with the fact that *Chotu Pal* has been in custody for about nine months and *Rahul Rathod* has been in custody for about thirteen months, this is a fit case where they should be enlarged on bail. This is more so when the Accused Sunil @ Surendra Rathod is granted bail for the same reasons as adverted to earlier. Therefore, on the ground of parity also, the Applicants are entitled to be enlarged on bail, was the submission.

12. On the other hand, Mr. Bhobe, the learned Public Prosecutor, submitted that in Crime No. 193/2021, there are a total of 25 accused. Out of these, 19 were arrested by the time the chargesheet dated 25.02.2022 was filed on 28.02.2022. Six Accused were absconding. *Chotu Pal* was one of them, and who was arrested on 02.05.2022. Mr. Bhobe submitted that it is not correct to say that the Applicants were only identified by Anup Tripathi, Vikas Parwar and Aditya Rawool. In this regard, Mr. Bhobe relied on a statement of a gentleman called Stanley dated 08.02.2022 who is the Manager of the Restaurant run by the main Accused-Gajendra

Singh @ Chotu. He stated that Stanley has also identified the Applicants.

13. Mr. Bhobe then submitted that at least, as far as *Rahul Rathod* is concerned, he had approached this Court seeking bail and when this Court was not inclined to grant bail, the Applicant [*Rahul Rathod*], on instructions, sought leave to withdraw the Bail Application. He submitted that thereafter, *Rahul Rathod* filed the present Bail Application which was executed in jail on 18.08.2022. It was finally filed in this Court only on 30.09.2022. In other words, when the Bail Application was executed by *Rahul Rathod* in jail [i.e. on 18.08.2022], there were no changed circumstances from the time the order was passed by this Court on 22.06.2022 [allowing *Rahul Rathod* to withdraw his Bail Application]. Mr. Bhobe submitted that according to both the Applicants, the changed circumstances are the filing of the supplementary chargesheet on 24.08.2022. He submitted that merely by the fact that a supplementary chargesheet is filed, it is not a change in circumstance which would entitle the Applicants/Accused to apply for bail once again. He submitted that the change in circumstance should be such that it should be to the benefit of the Accused and not otherwise. For example, he submitted that if the supplementary

chargesheet is filed which brings on record further evidence to bring home the guilt of the Accused, then such a change in circumstance would not entitle the Accused to apply for bail, once it is already rejected. Mr. Bhobe, therefore, submitted that merely because the supplementary chargesheet was filed on 24.08.2022, it would not mean that there is any change in the circumstances which would entitle *Rahul Rathod* to file a fresh Bail Application, once the earlier Bail Application filed before this Court was unconditionally withdrawn by him on 22.06.2022. Mr. Bhobe however fairly submitted that this argument would not apply to *Chotu Pal* who has approached this Court for bail for the first time, though his bail has been rejected by the lower Court.

14. Lastly, Mr. Bhobe submitted that before any bail is granted, the gravity of the offence has to be looked into as well as the nature in which it was caused. He submitted that once the Accused is charged under Section 149 of the IPC, namely, that if an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is

guilty of that offence. Mr. Bhobe, therefore, submitted, that in such a case, it is incorrect on the part of the Accused to distance themselves from the main Accused and contend that they had no role to play in the commission of the offence allegedly committed by the main Accused-Gajendra Singh. For all the aforesaid reasons, Mr. Bhobe submitted that no case for bail is made out and the above Bail Applications ought to be dismissed.

15. I have heard the learned Counsel for the parties, and I have perused the papers and proceedings in both the above Bail Applications. I shall first deal with Bail Application [CRMAB No. 31/2022] filed by *Chotu Pal*, Accused C-4 in Crime No. 193/2021. The incident in question occurred on 28.12.2021. As per the statements of Anup Tripathi, Vikas Parwar as well as Aditya Rawool, on 28.12.2021 at around 21:30 hours, while Anup Tripathi was at the reception counter at Souza Lobo Bar and Restaurant, Calangute, a group of 30 to 40 persons gathered outside the entrance of the Restaurant who were seen equipped with hockey sticks, wooden dandas, iron rods and chopper knife and were seen entering at the Souza Lobo Bar and Restaurant. According to Mr. Anup Tripathi, the said group was led by one Gajendra Singh @ Chotu. I must clarify that this person should not be confused with *Chotu Pal* who

is the Applicant in CRMAB No. 31/2022. According to Anup Tripathi, Gajendra Singh @ Chotu was accompanied by other people, namely, Sunil, Rahul [*Rahul Rathod*-Applicant in CRMAB No. 607/2022 (F)], Bravo @ Kaliya [*Chotu Pal*-Applicant in CRMAB No. 31/2022], amongst others. The version narrated by Anup Tripathi is that looking at Gajendra Singh and others, he approached them in order to restrain them as they were seen armed with hockey sticks, iron rods and wooden dandas, chopper knife and they were in a position to enter the Restaurant. It is thereafter stated by Mr. Tripathi that Gajendra Singh fired one gunshot in the air, and upon seeing this, Anup Tripathi got scared and tried to snatch the gun from the hands of Gajendra Singh and he fired one gunshot in the air for his safety. A similar statement is made by Vikas Parwar also on 30.12.2021. Even Vikas Parwar states that one gunshot was fired in the air by one person, namely Chotu, [who is also known as Gajendra Singh]. He too identified *Chotu Pal* and *Rahul Rathod* as being the persons who had accompanied the said Gajendra Singh.

16. When a supplementary statement was recorded by the Police of Mr. Anup Tripathi as well as of Mr. Vikas Parwar on 25.01.2022, the story and narration of the event/incident on

28.12.2021 now changes. Both these persons now state that the statement recorded earlier regarding Anup Tripathi snatching the gun from Gajendra Singh @ Chotu was not correct. In the supplementary statement, Anup Tripathi has categorically stated that the earlier statement was made when he was under a lot of pain due to which he did not state that the pistol/gun was belonging to him as he apprehended that he would be arrested from the Hospital itself and would not get treatment at that time. In the supplementary statement, he has stated that when Gajendra Singh @ Chotu and his gang attacked the persons at Souza Lobo Restaurant, due to fear, he removed his gun, which was inserted in his jeans, and fired the gunshot in the air and tried to disperse the crowd. He stated that he had no intention to hurt anyone, and he had fired the gunshot only to save themselves. On reading the statements of Anup Tripathi as well as Vikas Parwar recorded on 30.12.2021, and their supplementary statements recorded on 25.01.2022, *prima facie*, it appears that Anup Tripathi, at least as far as the gun incident is concerned, lied to the Police Authorities to save his own skin. This is also the case with reference to Vikas Parwar. Even as far as the supplementary statement of Vikas Parwar is concerned, he has stated therein that though, earlier, he had stated that Gajendra Singh @ Chotu had fired the gunshot in

the air, the said statement was not correct, and it was Anup Tripathi who carried the gun in his hand and was waving it in the air to try and disperse the crowd. In their supplementary statements, both of them [i.e. Anup Tripathi & Vikas Parwar] have stated that the earlier statement [on 30.12.2021] was made as both of them were afraid that they will be arrested and will not get proper treatment which was absolutely required by them at that time. In fact, because of what is recorded in the supplementary statements as well as other evidence, FIR No. 194/2021 has been filed against Anup Tripathi and others.

17. This apart, there is CCTV footage of the incident that took place on 28.12.2021. The CCTV footage was seen by the Panchas and the Police on 03.01.2022. In the CCTV footage, the Applicants herein [i.e. *Chotu Pal* and *Rahul Rathod*] are conspicuously absent. In fact, despite the CCTV footage being seen on 03.01.2022 by the Panchas and the Police, the same was not shown to Anup Tripathi or Vikas Parwar when their supplementary statements dated 25.01.2022 were recorded and they were not asked to identify the Accused. In between, the statements of all other Witnesses have also been recorded and none have identified *Chotu Pal*. As far as *Rahul Rathod* is concerned, he has not been

identified by any other witness, other than Aditya Rawool. There is no test identification parade and no incriminating evidence recorded against these Applicants. As far as the statement of Stanley is concerned, and which was pointed out by Mr. Bhobe, I find that this statement does not identify the Applicants at the scene of the crime. The statement only records that *Rahul Rathod* works as a Guide for Nirvana Bar and Restaurant at Calangute and so does *Chotu Pal*. This statement of Stanley does not anywhere record that either *Chotu Pal* or *Rahul Rathod* were at the scene of the crime or committed any offence. When one looks at all these facts, coupled with the fact that *Chotu Pal* has already been incarcerated for nine months, I am clearly of the view that he is entitled to bail subject to stringent conditions being imposed on him.

18. This now leaves me to deal with Bail Application [CRMAB No. 607/2022 (F)] filed by *Rahul Rathod*. As mentioned earlier, *Rahul Rathod* had filed an application for bail before this Court being CRMAB No. 310/2022 (F). This Bail Application was extensively argued and when the Court was not inclined to grant bail, at that stage, the learned Counsel appearing on behalf of *Rahul Rathod*, on instructions, sought leave to withdraw the Bail

Application. Accordingly, the Bail Application was allowed to be withdrawn.

19. Since the Bail Application filed by *Rahul Rathod* in this Court earlier was withdrawn, Mr. Bhobe would submit that he cannot file another Bail Application before this Court unless there are changed circumstances. Accepting for the time being that the aforesaid argument to be correct, I shall examine whether there are any changed circumstances which would entitle *Rahul Rathod* to file a fresh Bail Application. The changed circumstance, according to *Rahul Rathod*, is the filing of the supplementary chargesheet. As correctly submitted by Mr. Bhobe merely filing of the supplementary chargesheet, with nothing more, would not by itself amount to a change in circumstance. The change in circumstance should be such that would enure to the benefit of the accused. In other words, there should be something in the supplementary chargesheet to the benefit of the accused which would amount to a change in the circumstance.

20. Accordingly, I have also perused the supplementary chargesheet. In the supplementary chargesheet, a statement of one Navin Kumar is recorded on 09.03.2022. In this statement, Mr.

Navin Kumar states that on 28.12.2021 at around 20:00 hours, he left his Restaurant, namely, Grill and Booze, near Taj Hotel, Agauda Beach Road and proceeded to Calangute. On the way, he received a call from Kuldeep who informed him that they are gathered near Planet Restaurant, Calangute with bamboo/dandas to help Chotu Sir [Gajendra Singh]. Navin Kumar was told to come to Calangute as there was a fight as they have to help Chotu Sir. He told him that he is not coming and would come to Calangute beach. When Navin Kumar reached the Calangute beach entrance near the steps at 21:00 Hrs and proceeded towards the lane leading to Souza Lobo Restaurant, he saw many people gathered outside Souza Lobo Restaurant in one group. Among them, Navin knew Limboo, Kuldeep and Ravi and they were arguing with each other. During that time, one person had a pistol in his hand, and he has identified that person in the complaint given to the Calangute Police Station. He has stated that the said person pointed the pistol towards another person by the name Chotu [Gajendra Singh] who is running the Mehfil Club. He has stated that there was a scuffle among them and one person who had the gun in his hand had fired three gunshots in the air and thereafter, Chotu [Gajendra Singh] and his men started pelting stones at the Souza Lobo Restaurant staff, and in retaliation, the Souza Lobo Restaurant staff were

pelting beer bottles on Chotu [Gajendra Singh] and his men. He has stated that one of the beer bottles hit on his leg and he sustained an injury. He has stated that after he was hit by the bottle, he ran from the spot. In other words, the narration of the event/incident on 28.12.2021 as given by Navin Kumar is at grave variance with the narration of the event given by Anup Tripathi and Vikas Parwar. It is also important to note that here also, Gajendra Singh was not the one who was holding the gun or fired the gunshot, but, it was some other person, and which Anup Tripathi in his statement [recorded on 25.01.2022] admitted that it was he [Anup Tripathi] who fired the gun. When one looks at this statement of Navin Kumar and which is brought on record by the supplementary chargesheet filed on 24.08.2022, I am clearly satisfied that this is certainly a change in circumstance which would entitle *Rahul Rathod* to file a fresh Application seeking bail. I say this because, now by virtue of this statement, the narration of the event as given by Anup Tripathi and Vikas Parwar is completely different and at variance with the narration of the event given by Navin Kumar. When such is the situation, coupled with the fact that even *Rahul Rathod* was never identified in the CCTV footage and the only evidence against him is the statement by Anup Tripathi Vikas Parwar and Aditya Rawool, I am of the view that even *Rahul Rathod* would be entitled to bail.

The other mitigating factor, and of which I cannot lose sight of, is that *Rahul Rathod* has been incarcerated since 29.12.2021 and no specific role has been attributed to *Rahul Rathod* at the time of the commission of the offence. Though strictly speaking, attributing a specific role to a person may not be necessary when he is charged under Section 149 of the IPC, it is certainly a factor which ought to be taken into consideration at the time of granting bail. In these circumstances, I am of the opinion that even *Rahul Rathod* ought to be enlarged on bail.

21. In view of the foregoing discussion, the following order is passed:-

O R D E R

(a) Criminal Application (Bail) No. 31 of 2022 and Criminal Application (Bail) No. 607 of 2022 (F) seeking regular bail, are allowed.

(b) The Applicant in Criminal Application (Bail) No. 31 of 2022-Mr. *Chotu Pal* [Bravo @ Kaliya] and the Applicant in Criminal Application (Bail) No. 607 of 2022 (F)-Mr. *Rahul Rathod*, are released on bail on them executing a PR Bond in the sum of

₹25,000/- each with one or more sureties of the like amount to the satisfaction of the Trial Court.

(c) The Applicants shall report to the Investigating Officer on the 1st and 15th day of every month between 10:00 a.m. and 11:00 a.m.

(d) The Applicants shall not leave the State of Goa without the express permission of the Trial Court.

(e) The Applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing the facts to the Court or to any Police Officer. The Applicants shall not tamper with the evidence.

(f) The Applicants shall not indulge in any activities similar to the activities on the basis of which the Applicants stand prosecuted.

(g) The Applicants shall attend the proceedings before the Trial Court without any default, unless exempted.

(h) The Applicants shall not try to establish communication with the Co-Accused or any other person involved directly or indirectly in similar activities, through any mode of communication.

(i) The Applicants shall co-operate with the expeditious disposal of the trial.

(j) On being released on bail, the Applicants shall furnish their contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

(k) After release of the Applicants on bail, within a period of two weeks of their release, they shall file an undertaking before the Trial Court stating that they will strictly abide by the aforesaid conditions.

(l) In the event the Applicants violate any of the aforesaid conditions, the relief of bail granted to them by this order shall be liable to be cancelled.

22. It is made clear that the observations made by me herein are only *prima facie* and tentative and shall not influence the Trial Court at the time of hearing arguments before framing of charge. The observations made herein are for the limited purpose of considering the request made by the Applicants for release on bail and shall not be construed as an opinion on the merits of the contentions of the parties.

23. Both the above Criminal (Bail) Applications are disposed of in the aforesaid terms.

24. 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.