



Meena

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO.6 OF 2025

MELVIN ANTHONY FERNANDES PRESENTLY
IN JUDICIAL CUSTODY MODERN CENTRAL
JAIL COLA VALE

... APPLICANT

Versus

STATE OF GOA, THR. THE POLICE
INSPECTOR MAINA CURTORIM POLICE
STATION AND 2 ORS

... RESPONDENTS

Mr. Shalom M F Sardinha, Advocate for the Applicant.

Mr. S.G. Bhobe, Public Prosecutor for the Respondent/State.

CORAM:- VALMIKI MENEZES, J.

DATED :- 21st July, 2025

P.C.:

1. At the time when this Bail Application was filed in February 2025, the victim had already been examined on 06.06.2022 along with the Complainant/mother of the victim and two other witnesses, who were friends of the victim who were yet to be examined. On directions of this Court, recording of evidence of CW11 and 12, two minor witnesses were recorded by the trial court and the evidence of the Complainant was also completed. The matter now stands for the recall of Pw1, the Complainant, for identifying certain Mos.

2. From the above facts, six months had lapsed, and in the course of

the trial, the main witness had now been examined. At the time the Applicant's bail application was rejected by the trial Court on 07.02.2025, the circumstances were obviously different.

3. Considering all these facts, the learned Advocate for the Applicant submits on instruction that he would withdraw this application with leave to file afresh a bail application before the Children's Court /POCSO Court, in consideration of a change of circumstances.

4. The application stands dismissed as withdrawn, liberty granted to the applicant to file a fresh bail application before the POCSO Court. The POCSO Court may consider the fresh bail application, if filed by the Applicant, giving due consideration and the fact that the main witnesses have been examined. Whilst considering the application, the trial court is free to consider the evidence that has come on record without being influenced by the earlier order dated 07.02.2025.

5. The application stands disposed of accordingly.

VALMIKI MENEZES, J.