



**IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO.41 OF 2025**

Mr. Digson James Lobo,
Son of William Lobo,
Age 49 years, Indian National,
R/O. H. No. 288, Igramoll,
Deao Quepem, Goa,
South Goa-403705.
Through Next friend & Sister
Ms. Margareth Lobo,
Permanent R/O. 288,
Near Don Bosco Tech. Institute,
Tolcotto, Igramoll, Deao,
Quepem, South Goa -403705

... Applicant

Versus

1. State of Goa,
Represented by Public Prosecutor,
High Court of Bombay,
At Porvorim-Goa.

2. State of Goa
Through Police Inspector,
Mapusa Police Station, Mapusa — Goa;

... Respondents.

Mr. Kautuk Raikar with Ms. Aditi Salkar, Advocates for the Applicant.

Mr. Somnath Karpe, Additional Public Prosecutor for Respondent Nos.1 and 2.

Ms. Prachi Sawant, Advocate under Legal Aid Scheme for Respondent No.3.

CORAM: VALMIKI MENEZES, J.

DATED : 18th JULY, 2025

P.C:

1. Registry to waive office objection and register the matter.
2. This is an application for bail filed by the Applicant who is arrayed as sole Accused in the crime No.186/2024 dated 16.12.2024, charged under Sections 74, 75, 78, 79 of Bharatiya Nyaya Sanhita & Sections 8 & 12 of the POCSO Act based on a Complaint dated 16.12.2024 by the brother of the victim, Ramakrishna Gawalkar, lodged at the Mapusa Police Station.
3. According to the Complaint dated 16.12.2024, the Complainant received a phone call from his sister at 15.25 hours, informing him that she has boarded the KTC bus for Colvale and one male person was intentionally doing unwarranted sexual activities by sitting next to her and also touched her thigh with his hand and, the same person exposed his private part, masturbated, and outraged her modesty, besides passing unwarranted comments towards her trying to foster contact with her. The Complainant subsequently rushed to Mapusa bus stand at 16.15 hrs and met the victim who was under fear and thereafter boarded another bus. The victim has identified the Accused to her brother.
4. Subsequently the Complainant along with the victim and some of his friends who were present at the KTC bus stand gathered around the said Applicant who the victim identified as he alighted from another bus. The Complainant with the help of the public managed to intercept the that person who disclosed his

name to be Digson Lobo, the Applicant herein. The Complainant intimated the Police who then arrived at the KTC bus stand, Mapusa and shifted him to Mapusa Police Station where the Complainant and the victim were also called and the Complaint was lodged. Chargesheet was filed and Special Case No. 09/2025 has been registered in the Fast Track Court (POCSO) Panaji and is pending trial.

5. The Advocate for the Applicant submitted that after directions of this Court, the complainant and the victim have been examined. He further submitted that in the light of the offences that the Accused/Applicant has been charged being punishable with imprisonment for a term not exceeding 5 years, the Applicant be released on bail. The Advocate for the Applicant in furtherance of his arguments placed reliance on ***Anthony Britto v/s State of Goa (2007) o supreme (Bom) 150.***

6. The Public Prosecutor for the State, advanced his arguments and submitted that the Applicant committed the said crime intentionally and with full knowledge of consequences of his act and the crime committed by the Applicant is heinous and custody of the Applicant is necessary to prevent him from absconding and committing similar crimes.

7. The trial of the Sessions Case No.9/2025 has commenced and the deposition of the complainant Ramakrishna Gawalkar and the victim has been recorded on 27.06.2025 and 21.06.2025 respectively. Copy of the deposition has been placed on record. The present application though having been filed in April, 2025, was

adjourned from time to time, to enable the Trial Court to complete the depositions of the main witnesses, the Complainant and the victim.

8. The trial is underway and will take some time to conclude as other witnesses, who are not eyewitnesses or directly connected with the incident, are yet to be examined. These include pancha witnesses. It is not the case of the State that there is likelihood that these witnesses would be threatened by the Applicant ; the Applicant is a resident of Quepem, whereas the victim resides in Colvale. The Applicant has no criminal antecedents and therefore is not required in custody in any other crime. The offences under section 74 of Bharatiya Nyaya Sanhita and 12 of the POCSO Act are punishable with imprisonment for minimum one year, which can be extended upto 5 years and all other offences are punishable with imprisonment upto 3 years. The Applicant has been in custody from 16.12.2024 for a period of seven months, which is a substantial part of the maximum sentence which could be imposed upon him.

9. For reasons stated above, the application of the Accused for bail is allowed on the following conditions:

- a. The Accused/Applicant shall be released on executing a Bail Bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount, to be executed before the Additional Sessions Court/ Fast Track Special Court (POCSO) - Mercas.
- b. The Accused/Applicant shall furnish to the trial Court and

to the Investigating Officer a copy of his Aadhaar card, full residential address, email ID and his mobile phone number, which shall be kept functional and on at all times to enable the Investigating Officer, if required to contact him; in addition, the Applicant shall furnish to the Investigating Officer the mobile phone number of his sister, Ms. Margareth Lobo who has filed this application on behalf of the Accused along with copy of her Aadhaar card.

- c. The Accused/Applicant shall not interfere with any of the witnesses or attempt to contact them by himself or through any of his associates.
 - d. The applicant shall attend the trial of the Sessions Case no.09/2025 pending before the Additional Sessions Court/ Fast Track Special Court (POCSO) – Mercedes, regularly unless specifically exempted.
 - e. Other than attending the aforementioned case, the applicant shall not enter the Taluka of Bardez during the course of the entire trial.
10. The application stands disposed of in the above terms.
11. All concerned to act on an authenticated copy of this order.

VALMIKI MENEZES,J.