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IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO.37 OF 2025

SANTOSH KUMAR KAR,
PRESENTLY LODGED IN
JUDICIAL CUSTODY,
COLVALE, GOA.

... Applicant.

Versus

STATE OF GOA, THR.
PUBLIC PROSECUTOR
AND ANR.

... Respondents.

Mr. Rohan Dessai with Mr. Ashay Priolkar and Ms. Arya Parrikar, Advocates for the Applicant.

Mr. Nikhil Vaze, Additional Public Prosecutor for the Respondents.

CORAM: VALMIKI MENEZES, J.

DATED: 14th July, 2025

P.C:

1. Registry to waive office objections and register the matter.
2. The learned Advocate for the Applicant submits that bail granted to him by order dated 09.05.2025 was cancelled by this Court. Thereafter, the Applicant remained absent during the trial for almost two years, pursuant to which the Trial Court issued a proclamation, proclaiming him to be an absconder. Subsequently, the Applicant was

taken into custody on 06.12.2024 at which time he filed a fresh bail application which was rejected by the Sessions Court on 09.05.2025. The Applicant further submits that in the meantime, one victim was examined and her examination having been completed, the Prosecution has not been in a position to secure the presence of the other two victims to examine them.

3. It is further submitted that in the meantime, on 03.02.2025, the I.O. has placed on the record of the Sessions Court a communication that despite attempts to serve the two remaining victims who are yet to be examined, the Prosecution has been unable to procure their presence for completing the recording of their evidence. On these grounds, the Applicant presses for release on bail, since the trial has taken a long period of time to complete.

4. Considering the submissions made above, the fact remains that the Sessions Court would be in the best position to assess the submissions, based on its own record and based on the attempts made by the Prosecution to secure the presence of the two victims. It appears that apart from the two victims, the other witnesses that remain to be examined are the panch witnesses or investigating agencies. Considering these facts, the Sessions Court would be in a better position to consider the Applicant's case for bail.

5. At this stage, learned Advocate Mr. Dessai for the Applicant submits, on instructions, that he would withdraw this bail application and present a fresh bail application to the Sessions Court by

21.07.2025, the next date of hearing before the Sessions Court.

6. In the event that such bail application is filed before the Sessions Court, the Sessions Court shall consider the same and decide this application uninfluenced by the observations made in its order dated 09.05.2025 rejecting the earlier application. It may consider the change in circumstances, if any, due to the non-procurement of the victims or any other circumstances that are borne from the record, whilst considering the fresh bail application. The Sessions Court may hear and dispose of the fresh bail application as expeditiously as possible.

7. With these observations, the present application is dismissed as withdrawn.

VALMIKI MENEZES, J.