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IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO.67 OF 2025

Mr. Sahed Khan,
S/o Javeed Khan, Indian National,
Aged 30 years, Occupation – Service,
R/o Nr. New Bus Stand, Marcel,
N/o District Kalgadi, Karnataka ... Applicant.

Versus

The State of Goa (through)
1. The Public Prosecutor
High Court of Bombay at Goa
at Porvorim Goa

2. The Police Inspector
Crime Branch Ribandar
Tiswadi Goa ... Respondents.

Mr. Rohan Desai with Ms. Ashwini Bandekar, Advocates for
the Applicant.

Mr. P. Faldessai, Additional Government Advocate for the
State.

CORAM: VALMIKI MENEZES, J.

DATED: 16th October, 2025

P.C:

1. Registry to waive office objections and register the matter.
2. Leave to convert this petition into a Bail Application. Registry

to re-register the same as a Bail Application.

3. The reliefs sought in the petition, as filed, was for a writ of mandamus directing the release of the Petitioner in Crime No.38/2018 registered at the Crime Branch, Panaji Police Station, dated 27.03.2018, wherein the Petitioner is accused of committing offence under Section 370 r/w Section 34 of IPC and under Sections 4 and 5 of the Immoral Traffic (Prevention) Act, 1956. Since I have heard this matter over several hearings at length, and the relief which ought to have been correctly sought by the Petitioner was by way of an application seeking bail, the Petitioner has been allowed to convert the petition to an application for bail.

4. This application has been filed in the following circumstances, which are culled out from the record. The Applicant was arrested on 27.03.2018 in the aforementioned crime. A charge-sheet was filed on 06.06.2018 before the Sessions Court, Panaji, after which the Applicant was granted bail on 14.02.2019 for the first time. Subsequently, during the course of the trial, the Applicant stopped appearing before the Sessions Court from 15.11.2022, prior to which he was either appearing or sought exemption, since he was represented by an Advocate. Consequent upon his non-appearance on 15.11.2022, a non-bailable warrant came to be issued against him which remained unexecuted until 07.08.2023. In the meantime, the Applicant was arrested on 10.08.2023 in another crime of similar

nature i.e. Crime No.6/2017 and since he was lodged in the Central Jail pursuant to his arrest thereon, was produced before the Sessions Court in the present case i.e. SCORS No.62/2018 on 11.09.2023, He has been in custody since 11.09.2023, his second bail having been rejected on 06.06.2025.

5. Whilst rejecting the Applicant's bail application, the Sessions Court has taken into consideration the charges against the Applicant who is the Accused No.2 in the case, his involvement in at least seven other crimes, including the present case. The Trial Court has also considered that apart from the Applicant being an active criminal, since he is from the State of Karnataka, there is every possibility that he would commit similar offences with six offences referred to in its order jeopardizing the safety of public and women in society. On these grounds his bail has been rejected.

6. On going through the reasons cited by the Sessions Court for rejection of bail, on the face of it, no infirmity can be found with the reasons. However, note must be taken of the fact that the Applicant, has been acquitted in three of the cases referred therein and has been discharged in one of them. Presently, he is out on bail in two pending cases i.e. SCORS No.37/2021 (released on 17.01.2025) pending before the Sessions Court, Panaji and Criminal Case No. IPC/155/2018 (released on 04.04.2025). Further, on the face of it, there does not appear to be any change of circumstances from the

time the last bail order was passed, save and except that the trial being faced by the Applicant, which commenced in 2019, has made no headway, with only two witnesses being examined till date. It is only this circumstance that is being examined and being considered by me for the purpose of deciding this application.

7. Going through the Roznama of the case, it appears that after charge was framed, a summons was issued to the two victims i.e. CW3 and CW4 on at least 13 occasions commencing from 18.07.2019, and the last being the summons issued on 15.10.2025. None of these summons came to be successfully served on these victims, and till date, no evidence has been recorded by the Court from them. Evidently, it appears that the victims are not traceable even in the sixth year of the trial. Apart from these two key witnesses, the only other witnesses examined are PW1 and PW2, who are decoy witnesses for the Police. PW2 is a witness from an NGO who was part of the raiding party.

8. It is, therefore, evident that the trial has not made any headway and it is quite unlikely that the victims would be examined in the near future. The Applicant has spent the first leg of his incarceration between 27.03.2018 and 14.02.2019 (almost one year) and thereafter has been in custody from 03.10.2023 till date (two years). He has thus spent approximately three years in custody. If convicted, he could face upto ten years of imprisonment.

9. Considering these circumstances and the delay in completing the trial, as also the fact that the trial would not be completed in the near future, in my opinion, this would constitute the only circumstance on which the Accused could be enlarged on bail.

10. Consequently, I pass the following order:

- a) The Applicant shall be released on executing a PR Bond of Rs.50,000/- before the Sessions Court, Mercês, with one surety in the like amount.
- b) On release, the Applicant shall not leave the State of Goa and shall attend the trial in Sessions Case in SCORS No.62/2018 on every date of hearing unless specifically exempted by the Court.
- c) The mobile number of the Applicant shall be furnished to the Sessions Court and to the Investigating Officer and shall be kept in working condition at all times to enable the I.O. to contact him.

11. Application stands disposed of.

12. Parties to act on the authenticated copy of this order.

VALMIKI MENEZES, J.