



Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO.18 OF 2025

MOHAMMED HUSSEN HARIHAR,
PRESENTLY IN JUDICIAL
CUSTODY AT COLVALE ... Applicant

Versus

STATE OF GOA, THR.
PUBLIC PROSECUTOR
AND ANR. ... Respondents

Mr. Rohan Desai with Mr A. Priolkar, Advocates for the
Applicant.

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

CORAM: VALMIKI MENEZES, J.

DATED: 8th May, 2025

P.C:

1. This is an application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). The applicant/accused no.1 in (FIR) bearing No.1/2025 registered on 21.04.2025 at the Anti-Corruption Bureau (ACB) under Section 7 of the P.C. Act (Amended), 2018, and Section 3(5) of the BNS, was arrested on 21.04.2025 and has been in custody since.

2. The case of the Prosecution in brief, as narrated in the Say of the I.O. filed on 07.05.2025 is that the ACB received a written complaint on 21.04.2025 from one Akshay Kodate, resident of Belgaum against the applicant/accused no.1, a police official of the Konkan Railway Police Station, Margao for demanding from the complainant a bribe amount of Rs.2 lakhs to close a criminal case registered with regard to certain parcels of bovine meat seized by the Konkan Railway Police. The complaint alleges that the bribe was solicited by the Police Inspector of the Konkan Railway Police Station and an amount of Rs.25,000/- would have to be paid on monthly basis by the complainant to enable him to run his business smoothly without hindrance.

3. According to the I.O., an offence was registered under the Prevention of Corruption Act against the applicant and the case was handed over to the present I.O. During investigation, it was revealed that accused no.1 was constantly messaging the complainant on a particular phone number making illegal demands for a bribe of money on behalf of the said Police Inspector and audio recordings containing the alleged demand of bribe came to be attached under an Attachment Panchanama, after which a trap was set up in which the applicant and accused no.2 Sunil Gudlar have actively participated in demanding and accepting the bribe amount.

4. It is further the case of the prosecution that the currency notes which were set up for the trap, placed in an envelope as the bribe amount were recovered during the trap proceedings from the table of the accused no.2 and an audio recording, on a device planted on the person of the complainant who participated in the trap has also been attached and recovered to substantiate the participation of the applicant in the offence. The applicant was arrested on 21.04.2025. All recoveries and recording of statements are complete except for recording of the statement of the main complainant, who resides in Belgaum.

5. The main objection of the State, to the release of the applicant, who is presently in Judicial Custody at Colvale Central Jail, is that he, being a member of the Konkan Railway Police Force, would threaten the complainant or any other witness and exert enough influence upon the witnesses to derail the investigation; The release is further objected to on grounds that the applicant may not cooperate with the investigation and may tamper with any evidence.

6. The applicant is stated to have no criminal antecedents. The learned advocate for the applicant submits that the applicant has permanent residence at Fatorda, Salcette, Goa and is presently under suspension from his department. He submits that the applicant, who has deep roots in Goan society, would not breach any conditions of

bail and would cooperate with the investigation in every manner possible. Learned advocate, on instructions submits that the applicant will also cooperate with the investigation to give his voice samples if required, considering that the allegation against the applicant is that the act of demanding the bribe has been recorded on an audio device. It is also submitted that the applicant would not travel outside the State of Goa and is willing to seek permission of the Court every time he seeks to leave the State.

8. The investigation in this matter appears to have reached the end and it is only the statement of the complainant that is left to be recorded. The complainant resides in Belgaum, and the I.O. assures that his statement would be recorded within a week. The voice sample of the applicant is also yet to be taken.

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

(i) The Accused/Applicant shall be released on executing a Bail Bond of Rs. 1,00,000/- (Rupees One Lakh only) with one surety in the like amount, to be executed before the Sessions Court, South Goa at Margao.

(ii) The Accused/Applicant shall furnish to the Sessions Court and Investigating Officer a copy of his Aadhaar card,

full residential address, email ID and a mobile phone number, which shall be kept functional and on at all times to enable the Investigating Officer to contact him;

(iii) The Accused/Applicant shall not interfere with any of the witnesses or attempt to contact them by himself or through any of his associates. He 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 from disclosing these facts to the Court.

(iv) The Applicant shall not leave the State of Goa without permission of the Sessions Court, Margao; If the Applicant possesses a passport he shall surrender the same and deposit such passport before the Sessions Court.

(v) The Accused/Applicant shall continue to reside at the address furnished by him, at Fatorda, Salcette, Goa and shall not change his place of residence without informing the Sessions Court at Margao of the same.

(vi) The Accused/Applicant shall present himself before the I.O. on every Monday between 10.00 a.m. and 1.00 p.m. and on any other day that the I.O. requires his presence on giving a 24 hr. notice, until a chargesheet is filed.

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.