



IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION (BAIL) NO.63 OF 2025

Mr. PRAKASH KUMAR

son of Shri Bhagwan Singh, age 34 years, married, service, Indian National to Osawan, Rohtas, Osaon, Bihar Presently in Judicial Custody Through his Brother AMIT KUMAR Son of Bhagwan Kumar, Aged 30 years, married, Service, Indian National, no Osawan, Rohtas, Osaon, Bihar.

..... APPLICANT

VERSUS

1. STATE OF GOA

Through Public Prosecutor High Court of Bombay at Goa Porvorim-Goa.

2. THE INCHARGE

Mapusa Police Station Mapusa Goa

..... RESPONDENTS

Mr. Suresh Palkar with Ms. Bindiya Vernekar, Advocates for the Applicant.

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

CORAM:- VALMIKI MENEZES, J.

DATED :- 29th August, 2025

ORAL ORDER:

1. Registry to waive office objections and register the matter.
2. Heard Mr. Suresh Palkar with Ms. Bindiya Vernekar, learned Advocates for the Applicant and Mr. Nikhil Vaze, learned Additional Public Prosecutor for the Respondents.
3. Though the victim's father was served and the matter was adjourned on several occasions, to give him opportunity of hearing, he did not put in appearance.
4. This is an application for bail at the behest of the sole Accused in Crime No.23 of 2024 registered at Mapusa Police Station. The Applicant has been accused of committing offence under Sections 363, 376(3), 354, 354A and 324 of IPC and Sections 8 and 12 of the POCSO Act and Section 8(2) of the Goa Children's Act.
5. Pursuant to investigation, chargesheet came to be filed on 01.04.2024 and the case has now being committed for trial before the Children's Court, Panaji. According to the chargesheet, the Applicant was a security guard at the time of alleged crime. He is alleged to have kidnapped the victim, who was aged 4 years and is further alleged to have committed offence by touching her

inappropriately and biting her cheek and thigh causing her bodily injuries.

6. Statement under Section 164 was recorded of the victim, by a Magistrate. Medical examination was also undertaken after which the chargesheet was filed. The Applicant was arrested on 02.02.2024 and has been in custody since then.

7. From the record, it is seen that the trial has commenced and the main witnesses i.e. the Victim and the Complainant, father of the victim and the mother of the victim have all been examined. What now remains in the trial is to record the medical evidence, by examining the concerned Doctor, some panch witnesses to the scene of offence and arrest Panchanama. Apart from this there are two other witnesses also yet to be examined, who have given statements as to the work that the Accused is supposed to have done at the time of the incident. Since a substantial number of witnesses are yet to be examined, the trial obviously would take some time to complete. However, since the victim and her parents are already been examined, the immediate concern of threat to these witnesses is now ruled out. It is also stated by the Investigating Officer that the victim and her parents have gone back to the State of Jharkhand and no longer resides within the State of Goa.

8. The Applicant has produced his Aadhaar Card, and he has filed an affidavit stating that if released on bail, he would reside with his brother Amit Kumar and employer Harinandan Singh, both residing at Mala, Panaji.

9. The learned Additional Public Prosecutor submits that verification of this address has been undertaken, and the police have ascertained that not only does the address exist, but the persons with whom the Accused would reside, if released on bail, live at the said address. It is stated that the brother of the Accused Amit Kumar is working as a security guard with the same employer with whom he resides. To ensure that the Applicant continues to attend trial and does not jump the bail, conditions can be imposed on his movements within the State of Goa.

10. For these reasons, I pass the following order:

A. The Applicant shall be released on bail on executing a PR bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety before the Children's Court at Panaji.

B. The Applicant, during the trial in Special Case No.30 of 2024 before the Children's Court, shall not

leave the State of Goa without permission of the Children's Court at Panaji and shall not in any event, even if permitted to go outside Goa, visit State of Jharkhand; he shall report, during the course of the trial, once in every two weeks on Monday between 10.00am to 1.00pm at Panaji Police Station.

C. He shall also attend hearings of the aforementioned case unless exempted by the Court.

D. He shall not establish any contact with any of the witnesses, whether examined or yet to be examined and shall not tamper with the evidence to be produced.

E. The Applicant shall provide the phone number of his brother Amit Kumar and his employer Harinandan Singh, both to the Investigating Officer and to the Children's Court, and in the event the Applicant obtains a phone connection after release, he shall, within three days of obtaining such phone connection provide phone number to the trial Court and to the Investigating Officer; the aforementioned phones shall be kept on at all times to enable the

Investigating Officer to contact the brother, employer and the Accused.

11. The Application stands disposed of.
12. The parties to act on an authenticated copy of this order.

VALMIKI MENEZES, J.