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IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO.66 OF 2026

Mr. Javed Ballari,
26 years old, bachelor,
Indian National , Automobile Mechanic,
Permanent resident of: H:No. 264,
Near Our Lady of Rosary Church, Dona -Paula
Caranzalem ,Tiswadi-Goa.
403002. ... Applicant
(Presently in Judicial Custody
Modern Central Jail, Colvale - Goa)

Versus

1. State
Through Public Prosecutors.
Hon'ble High Court of Bombay
At Porvorim-Goa.

2. PSI Mahadev Pednekar
c/o: Panaji Town Police Station,
Police Headquaters
Opposite Azad Maidan
Panaji - Goa. 403001 ... Respondents

Mr S. G. Desai, Senior Advocate with Ms. Rifad Ballari, Advocates for Applicant.

Mr. Nikhil Vaze, Additional Public Prosecutor for Respondents.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 13th October, 2026.

ORDER:

1. The Applicant seeks regular bail in connection with Crime No. 96 of 2026 registered with Panaji Police Station for offences punishable under Section 115(2), 109(1), 126(2), 352, 351(4) read with Section 3(5) of Bharatiya Nyaya Sanhita 2023 ('BNS').

2. The investigation was set on motion on the basis of the information given by one Mr. Jaivell Manjunath Shetty, alleging that on 21.05.2026 at around 7.00 hours, he came to Panaji along with his friend Mr Salim. At about 8.00 hours, when he reached Taleigao, near Auxilium School, one person named Jhaved Ballari wrongfully restrained them under threat of knife. Subsequently his associates arrived at the spot. Those associates were identified as Mr Kalpesh, the Applicant, Mr Sarfaraz and Mr. Aktar. They attacked the informer by deadly weapon i.e. beer bottle and knife and caused head injury with intention to kill. The aforesaid information was culminated into registration of Crime No. 96 of 2026 with Panaji Police Station.

3. Pursuant to the registration of offence, the Applicant came to be arrested on 17.06.2026. The Applicant moved bail application No.872/2026 before learned Additional Sessions

Judge at Merces, Goa, which came to be rejected vide Order dated 11.09.2026. Hence this application.

4. Mr. S. G. Desai, learned Senior Advocate appearing for the Applicant, submits that the Applicant has been falsely implicated in the aforesaid crime. The informant had suffered simple injuries. He was immediately discharged after medical treatment. The Applicant is behind bars for approximately three months. The investigation is completed and Applicant is ready and willing to cooperate with the investigation machinery.

5. Mr Nikhil Vaze, learned Additional Public Prosecutor, appearing for State, vehemently opposed application contending that Applicant is a habitual offender. The Applicant has criminal antecedents and previously the following Crimes have been registered against him:

a) Panaji Police Station Crime No.282/2018 under Sections 324, 506(ii), r/w 34 of IPC.

b) Panaji Police Station Crime No.12/2019 under Sections 143, 147, 148, 326 r/w. 149 of IPC.

c) Panaji Police Station Crime No.24/2020 under Sections 324, 504, 506-ii r/w 34 of IPC.

d) Old Goa Police Station Crime No.76/2020 under Sections 143, 427, 120-B, 147, 148, 450, 307, 201 r/w. 149 of IPC, Sections 3, 5, r/w. 25, 27 of Arms Act.

e) Panaji Police Station Crime No.234/2022 under Sections 341, 504, 506-ii, 427 r/w. 34 of IPC.

f) Mapusa Police Station Crime No.255/2024 under Sections 143, 144, 147, 148, 452, 307, 201, 120-B, r/w. 149 of IPC.

g) Panaji Police Station Crime No.43/2023 under Sections 323, 328, 419 r/w. 34 of IPC.

h) Mapusa Police Station Crime No.168/2024 under Sections 137, 127, 65(1), 123, 351(3) of BNS 2023, Section 8, 8(2) of Goa Children Act, Sections 4, 6, 8, 12 of POCSO Act, Section 92 ofr Disabilities Act, 2016.

The Applicant, along with his associates are frequently found indulged in similar activities. The Applicant was absconding after registration of offence. Therefore, his release will cause serious prejudice in the conduct of smooth trial.

6. Having considered submissions advanced by learned Advocates appearing for respective parties and on perusal of the record tendered in Court, apparently, Applicant is named in the FIR. Although specific attributions of assault by Applicant on victim have been made by witness, injury certificate depicts that victim suffered simple injuries i.e. lacerations measuring 1x0.5 cm over left frontal region and lacerations over frontal region midline measuring 1x0.5x0.5 cm. The CT scan of brain was found

to be normal and he was discharged on same day. The weapon of offence is stated to be blunt and hard.

7. In light of the nature of injuries and allegations against the Applicant, it is difficult to make out an offence under Section 109(1) of BNS. At the most, it is case of voluntarily causing hurt by means of deadly weapon punishable under Section 118(1) of BNS.

8. The Applicant is behind bars since 17.06.2026. The charge sheet appears to have been filed on 24.08.2026. The investigation in the matter is over. Although there are criminal antecedents against Applicant, they cannot be treated as bar for considering prayer for bail particularly as he is not convicted on trial in any offence. In that view of the matter, this Court finds no reason to continue detention of Applicant. Hence, following Order :

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.1,00,000/- with one or two local sureties in the like amount to the satisfaction of trial Court;

ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) If the Applicant is a holder of passport, he shall deposit the same, if not already deposited, with the Police Station concerned;

iv) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

v) The Applicant shall inform his latest place of residence and contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

vi) The Applicant to co-operate with the conduct of the trial;

vii) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. Application is allowed in above terms and is accordingly disposed of.

10. It is made clear that observations made herein are prima facie and are confined to this Application and learned Trial Judge to decide the case on its own merits, uninfluenced by observations made herein.

S. G. CHAPALGAONKAR, J.

Signed by: MARIA SUZANA REBELLO
Designation: Personal Assistant
Date: 14/10/2026 16:33:00