

2023 SCC OnLine Bom 1608

In the High Court of Bombay at Goa
(BEFORE PRAKASH D. NAIK, J.)

Anil Kumar, Presently Lodged in Judicial Custody at
Colvale Jail ... Applicant;

Versus

Police Inspector Officer in Charge of crime Branch
Police Station, Ribandar and Another ...
Respondents.

Criminal Application(Bail) No. 505 of 2023-F
Decided on August 3, 2023

Advocates who appeared in this case:

Mr. M. Dalvi and Ms. G. Kamat, Advocate for the applicant.

Mr. G. Nagvenkar, Addl. Public Prosecutor for the respondents.

The Judgment of the Court was delivered by

PRAKASH D. NAIK, J.:— This is an application for bail in connection with FIR 18/2021 registered with Vasco Police Station for the offences punishable under Sections 365, 364(A), 465, 471, 394, 120(B) read with Section 34 of the IPC. The applicant was arrested on 13.2.2021 and since then he is in custody. The applicant had preferred an application for bail before the Sessions Court, South Goa Margao which has been rejected vide order dated 30.6.2021

2. In a nutshell, the case of the prosecution is that the complainant and another victim Shapoor Shirjan Zarifi were allegedly kidnapped and confined in a room at Porvorim. Threats were issued to them to extort money. Some of the inmates had allegedly assaulted them with wooden danda. FIR was registered on 11.2.2021. During the course of investigation, 12 persons were shown to be involved in the case. On completing investigation chargesheet is filed.

3. The learned counsel for the applicant submitted that no specific role has been attributed to the applicant. The applicant was allegedly found in a room where the victims were confined. There is vague allegation with regard to assault by the applicant and others. About 8 persons who were arrested have been granted bail by this Court. There are no criminal antecedents against the applicant. The applicant is in custody for a substantial period of time.

4. Mr. G. Nagvenkar, learned Addl. Public Prosecutor submitted that there is sufficient material showing involvement of the applicant in the crime and the First Information Report lodged by the complainant

attributes specific role to the applicant. The name of the applicant has been revealed by the victim. There is evidence to show link between the applicant and the mastermind of the crime. The applicant is involved in assaulting the victim with wooden danda. The case of the co-accused granted bail could be distinguished. The factual matrix indicates that big racket is involved in cases of kidnapping and extortion of money. Serious offence is registered against the applicant and others, hence bail application may be rejected.

5. It is not in dispute that the applicant is in custody from 13.2.2021. The Investigation is complete and chargesheet has been filed. It is not controverted that there are no criminal antecedents against the applicant. From the tenor of the FIR and other documents which forms part of the chargesheet, it appears that the victims were confined in a room which was situated at Porvorim. Attempt was made to extort money. The chargesheet indicates that the applicant was one of the person who was found present in the premises where the victims were confined. There is allegation that the applicant had assaulted the victim with a wooden danda. However, a similar allegation of assault is also attributed to the co-accused. About 8 persons are granted bail by this Court.

6. Perused the order granting bail to the co-accused Sahil Kalyan, Vijay @ Rishabh Gogayan as well as Anurag Kumar. Most of the persons who were arrested were purportedly found in room where victims were confined.

7. The applicant is in custody for substantial period of time, further detention of the applicant is not necessary. Several other accused were granted bail considering the overt act and period of custody, the applicant can be granted bail on the following terms and conditions:—

ORDER

- a. The applicant shall be released on bail in connection with FIR No. 18/2021, registered at the Vasco Police Station, on furnishing PR bond of Rs. 25,000/- with one or two sureties in the like amount to the satisfaction of the Trial Court.
- b. The applicant shall furnish residential address where he will presently stay and all contact details along with his mobile number to the trial Court as well as the Investigating Officer. The applicant shall inform about any change in residential address or contact details to the trial Court as well as the Investigating Officer.
- c. The applicant shall report to the Crime Branch Police Station once in 15 days on every alternate Wednesday of the month commencing from 16 August 2023 between 11.00am to 12.00 noon till the trial is concluded.

- d. The applicant shall not indulge in any activity that would amount to tampering with evidence and influencing witnesses.
 - e. The applicant shall remain present before the trial Court on each and every date of the proceeding and they shall co-operate with such proceedings.
 - f. The applicant is a resident of Haryana and therefore, in the facts of this case, I find it appropriate to impose a condition that he should not leave State of Goa till the trial is concluded.
8. Application for bail stands disposed of.

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