

2023 SCC OnLine Bom 1974

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

Jagdish Dhodamani ... Applicant;

Versus

Police Inspector Officer and Another ...
Respondents.

Criminal Application (Bail) No. 587 of 2023 (Filing)

Decided on September 11, 2023

Advocates who appeared in this case:

Mr. Rohan Desai, Advocate with Mr. Nishikar R. Desai, Advocate for the applicant.

Mr. Pravin N. Faldessai, Additional Public Prosecutor for the Respondent State.

The Order of the Court was delivered by

PRAKASH D. NAIK, J.:— The applicant was arrested on 18.02.2019 in connection with Crime No. 2/2019 registered with Collem Police Station for offence under Section 302, 201, 120-B of IPC.

2. The case of the prosecution is that the accused no. 1 and 2 were involved in extramarital affair. The deceased was the husband of accused no. 1. On the pretext of bringing the deceased to Goa for medical treatment, he was strangulated by nylon rope while travelling to Goa in car, near Anmod Ghat. Acid was poured on the face of the deceased to destroy his identity. The body was left near the spot of incident. First Information Report was registered at the instance of PSI Collem Police Station after locating the dead body against unknown persons. During the course of investigation, the CCTV of tollnaka indicated the presence of the accused in the car which includes the applicant and accused no. 4. On completing investigation, chargesheet was filed.

3. Learned advocate Mr. Rohan Desai appearing for the applicant submitted that the case is based on circumstantial evidence. The crime is only attributed to accused no. 1 and 2. At the most it can be said that the applicant was accompanying the co-accused and aided and abetted in commission of crime and destroying the evidence. The applicant is in custody for a period of about 4 years. The co-accused Muttana Anawalad has been granted bail by this Court vide order dated 17.04.2023.

4. Learned Additional Public Prosecutor submitted that the offence is

serious in nature. The applicant was accompanying the other accused. His identity has been established as one of the occupants of the car in which the accused had travelled. During the course of investigation, the statement of accused under Section 27 was recorded which led to discovery of acid bottle from the spot of incident which was used to destroy the identity of the victim.

5. The case of the prosecution is that on account of the extramarital relations between accused no. 1 and 2, the deceased who was the husband of one of the accused was murdered. The applicant and the accused no. 2 were purportedly accompanying the other accused. Some property belonging to the deceased was transferred in the name of accused no. 1 and 2 after the incident.

6. It is true that investigation revealed that the applicant was one of the occupants of the car who was accompanying the co-accused. However, the accused no. 3 who is attributed similar role in the offence, has been granted bail by this Court on 17.04.2020. It is alleged that the acid bottle which was used in the crime has been recovered at the instance of the accused from the spot of the incident. Apparently, acid was poured after the victim was murdered by strangulation. The applicant is in custody for substantial period of time. Only five witnesses out of 68 witnesses have been examined. Case for grant of bail is made out.

ORDER

- a. The applicant shall be released on bail in connection with FIR No. 2/2019, registered at the Collem 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 report to the P.I, Collem Police Station once in a month on every Monday between 11.00 am to 1.00p.m. till completion of the trial.
- c. The applicant shall not indulge in any activity that would amount to tampering with evidence and influencing witnesses.
- d. The applicant shall not leave State of Goa without permission of the trial Court.
- e. The applicant shall attend the trial before the trial Court regularly.
- f. The applicant shall furnish the details of his place of residence after his release on bail to the Investigating Officer.
- g. The application for bail stands disposed of.