

2023 SCC OnLine Bom 1341

In the High Court of Bombay at Goa
(BEFORE M.S. KARNIK, J.)

Joyal Graca presently lodged ... Applicant;

Versus

State of Goa through Public Prosecutor and Another
... Respondents.

Criminal Application (Bail) No. 275 of 2023 (Filing)

Decided on July 5, 2023

Advocates who appeared in this case:

Mr. Pavithran A.V., Advocate for the Applicant.

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

The Order of the Court was delivered by

M.S. KARNIK, J.:— This is an application for bail for offences punishable under Sections 323, 427, 364, 302, 201 read with 34 of the Penal Code, 1860. The offences were registered on 06.09.2019 vide Crime No. 102/2019 at the Maina Curtorim Police Station, Salcete-Goa.

2. There are three accused in all. It is alleged that these three accused had a fight with the deceased in a bar. It is alleged that the deceased was taken by the accused on a scooter. The dead body of the deceased was found near Borim bridge. The knife was recovered at the instance of the present applicant who is the accused no. 2. The knife was not bloodstained.

3. The trial has commenced and 12 witnesses have been examined. The material against the accused in the form of witnesses who saw the deceased in their company prior to the incident. I am informed that some of the witnesses have turned hostile during the course of their examination. There are no eye-witnesses to the incident.

4. The applicant is in custody for more than 3 years and 288 days. Considering the number of witnesses, the trial is likely to take long time to conclude. There are no criminal antecedents against the applicant. The applicant is a permanent resident of Goa and there is nothing on record to indicate that he is flight-risk. The applicant can be released on bail by imposing conditions. Hence, the following order:—

ORDER

- (a) The applicant to be released on bail on his furnishing PR bond in the sum of Rs. 25,000/- with one or more sureties of the like amount to the satisfaction of the Trial Court.
- (b) The applicant shall not enter South Goa District till the trial is

concluded except for the purpose of attending the trial.

- (c) The applicant shall attend the trial regularly.
 - (d) The applicant shall report to Investigating Officer once in 15 days on every alternate Friday of the month between 10 : 00am to 12 : 00 noon commencing from August 2023.
 - (e) The applicant shall not threaten witnesses or tamper with the evidence.
 - (f) The applicant shall not threaten the witnesses or tamper with the evidence.
 - (g) The applicant shall furnish his address, contact details and mobile number and other contact address while residing outside South Goa District.
 - (h) The applicant shall not leave the State of Goa till the trial is concluded.
5. The application is disposed of.

—————

Disclaimer: While every effort is made to avoid any mistake or omission, this casenote/ headnote/ judgment/ act/ rule/ regulation/ circular/ notification is being circulated on the condition and understanding that the publisher would not be liable in any manner by reason of any mistake or omission or for any action taken or omitted to be taken or advice rendered or accepted on the basis of this casenote/ headnote/ judgment/ act/ rule/ regulation/ circular/ notification. All disputes will be subject exclusively to jurisdiction of courts, tribunals and forums at Lucknow only. The authenticity of this text must be verified from the original source.