

2023 SCC OnLine Bom 1369

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

Criminal Application(Bail) No. 451 of 2023-F

Vijay ... Applicant;

Versus

Police Inspector Office Incharge of crime Branch
Police Station and Another ... Respondents.

With

Criminal Application(Bail) No. 460 of 2023-F

Anurag Kumar (Presently in Judicial Custody
Colvale) ... Applicant;

Versus

Police Inspector Office Incharge of crime Branch
Police Station and Another ... Respondents.

Criminal Application(Bail) No. 451 of 2023-F and Criminal
Application(Bail) No. 460 of 2023-F

Decided on July 10, 2023

Advocates who appeared in this case:

Ms. G. Kamat, Advocate for the Applicant in CRMAB 451/2023-F

Mr. R. Desai, Advocate for the Applicant in CRMAB 460/2023-F

Mr. S. G. Bhoje, Public Prosecutor for the Respondents.

The Judgment of the Court was delivered by

M.S. KARNIK, J.:— These bail applications are heard together.

2. This is an application for bail by each of the applicant for the offence registered vide FIR No. 18/2021 of Vasco Police Station. The chargesheet was filed on 30.5.2021 for the offences punishable under Sections 365, 364(A), 465, 471, 394, 120(B) read with Section 34 of IPC.

3. My attention is invited to the complaint dated 11.2.2021 of the fiancée of the victim and also the statement of the victim at page 91 of the chargesheet. The prosecution case stated in brief is that the victim was kidnapped by the accused, who are 12 in number. The applicant was promised that he will be sent to Canada on a valid visa but was actually detained in a villa for ransom. From the allegations in the complaint, the applicants do not appear to be the master mind. The applicant-Anurag is accused no. 10 whereas the applicant-Vijay is accused no. 8. The applicants were arrested on 13.2.2021 and are in

custody for almost two years five months. The trial has commenced. So far four witnesses have been examined. In all there are 67 witnesses cited by the prosecution. Mr. Bhohe, learned Public Prosecutor submits that it is not that all the witnesses will be examined. Learned Public Prosecutor has seriously objected to the applicants release on bail.

4. It is alleged by the victim that he was held as a hostage for ransom and was tortured. The applicants are from Harayana. Learned Public Prosecutor pointed out that it is only because of the alertness and smartness of the victim, an Afganistani national, who gave a clue to his fiancée, that the culprits could be apprehended. At the time of raid, it was found that there was another victim present with him.

5. The trial is likely to take a long time to conclude. The applicants do not appear to be flight risk. There are no criminal antecedents reported against the applicants.

6. Taking an over all view of the matter and nature of the materials as against the applicants, I am inclined to release the applicants on bail by imposing conditions. Hence the following: —

ORDER

- a. The Applicants 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/- each with one or two sureties in the like amount to the satisfaction of the Trial Court.
 - b. The applicants shall furnish residential address where they will presently stay and all contact details along with their mobile number to the Trial Court as well as the Investigating Officer. The applicants shall inform about any change in residential address or contact details to the trial Court as well as the Investigating Officer.
 - c. The applicants shall report to the Crime Branch Police Station once in 15 days on alternate Month of the month commencing from the first Monday of August 2023 between 11.00am to 12.00 noon till the trial is concluded.
 - d. The Applicants shall not indulge in any activity that would amount to tampering with evidence and influencing witnesses.
 - e. The Applicants 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 applicants shall not leave State of Goa without prior permission of the trial Court.
7. Application for bail stands disposed of.

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.