

IN THE HIGH COURT OF BOMBAY AT GOA

STM-1214-2020 (Bail).

Shivdatta S. Talwar ... Applicant.

Versus

State & anr. ... Respondents.

Shri A. Palekar, Advocate for the Applicant.

Shri S.R.Rivankar, Senior Special Public Prosecutor with Shri G. Nagvekar, Addl. Public Prosecutor for the Respondent.

Coram : Nutan D. Sardessai. J.

Dated : 4th August, 2020

P.C.:

Heard Shri A. Palekar, learned Advocate for the accused who submitted that there was a cross complaint lodged by the victim herself alleging that there was no incident of rape as alleged against her and she was compelled to file the complaint against the applicant and the other accused with one of whom she was in love relationship. It was his contention that looking to the facts of the case and as there was no explanation forthcoming on behalf of the State to account to the contrary and this Hon'ble Court had been

inclined to grant bail to the other accused and therefore on the ground of parity the applicant too was entitled to the benefit of bail.

2. Shri S. R. Rivanker, learned Spl. Public Prosecutor opposed the application and pressed for its dismissal.

3. Without going into the merits of the case and considering the nature of the cross complaint lodged by the victim herself which does not bode too well for the State and on the grounds of parity i order the release of the applicant on bail on the following terms and conditions.

1. The applicant shall be enlarged on bail on executing bail bonds in the amount of ₹50,000/- (Rupees Fifty Thousand only and furnishing one local surety in co-extensive amount to the satisfaction of the learned Sessions Court, Margao.
2. The applicant shall co-operate with the trial and ensure his presence on all the dates of hearing.
3. The applicant shall not tamper with or intimidate the

witnesses or hamper the course of the trial in any manner whatsoever.

4. He shall not visit the area where the victim resides till further orders

5. He shall surrender his passport, if any, and deposit the same in the Court of the Sessions, South Goa, Margao.

4. In these terms the application stands disposed off.

5. Parties to act on the basis of the authenticated copy of this order.

Nutan D. Sardesai, J.

MF/-