

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-BA-88-2020**

Sunny Mithapara

... Applicant

Versus

State of Goa & Anr.

... Respondents

Shri K. Poulekar, Advocate for the Applicant.

Shri Mahesh Amonkar, Additional Public Prosecutor for the Respondents.

Coram:- DAMA SESHADRI NAIDU, J.**Date:- 8 DECEMBER 2020****ORAL ORDER :**

The applicant is the sole accused in Crime No.282 of 2020, registered by Mapusa Police Station. The alleged offence attracts Section 427, 448, 504, read with 506(ii).

2. Initially, on 22.10.2020, the applicant was granted interim anticipatory bail, but later on 20.11.2020, the trial Court dismissed the anticipatory bail application. Under those circumstances, the applicant has filed this application.

3. Heard Shri K. Poulekar, the learned counsel for the applicant; and Shri Mahesh Amonkar, the learned Additional Public Prosecutor for the respondents.

4. In response to submissions advanced by the applicant's counsel, the learned Additional Public Prosecutor has pointed out that the applicant has had seven crimes pending against him. He is a habitual offender.

5. To counter this assertion, the learned counsel for the applicant has submitted that there seem to be only three cases pending against the applicant. And none of them involves any grave offence. That apart, he has pointed out that except section 506(ii) of IPC, all other sections the

applicant has been charged with are bailable.

6. Indeed, its a case of breach of peace and damage to public property. As contended by the applicant's counsel, only section 506(ii) IPC is non-bailable. The trial Court earlier granted interim anticipatory bail, which was in force for one month. Then, the applicant did not face any allegation of abusing the bail.

7. Under these circumstances, it serves the interest of justice if the applicant is granted anticipatory bail, subject to the condition that if he involves in any other crime of this nature or any other nature, it shall result in the cancellation of this anticipatory bail.

8. I, therefore, allow this bail application subject to these conditions.

ORDER

- (i) The application of anticipatory bail is allowed.
- (ii) In the event of arrest of the applicant, in the matter of Crime No. 282 of 2020, registered with Mapusa Police Station, he shall be released on bail on his executing P.R. Bond for ₹20,000/- and on his furnishing two sureties, each for the like sum, to the satisfaction of the learned trial Judge.
- (iii) In the event of arrest and availing the bail as above, the applicant shall attend jurisdictional police station on every Saturday at 11.00 am till the conclusion of the investigation.
- (iv) The applicant should not leave the State of Goa, without prior permission of the learned trial Judge.
- (v) The applicant shall cooperate with the police during the investigation and shall attend the hearing of the case on the dates fixed by the trial Court.
- (vi) The applicant shall not influence, induce, threaten, or coerce the witness; nor should he abuse the process.

(vii) The applicant shall not commit similar or other offences.

(viii) The applicant's failure to abide by these conditions will entail the prosecution to apply for the cancellation of anticipatory bail now granted to the applicant.

(ix) The anticipatory bail application stands disposed of.

Parties to act on the authenticated copy of this order.

DAMA SESHADRI NAIDU, J.

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