

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-BA-89-2020, LD-VC-BA-90-2020, LD-VC-BA-91-2020, LD-VC-BA-92-2020, LD-VC-BA-101-2020, LD-VC-BA-102-2020 & LD-VC-BA-103-2020

LD-VC-BA-89-2020

Sherbeth D'Souza Applicant

Versus

State of Goa & Anr. Respondents

LD-VC-BA-90-2020

Antonio Alex D'Souza Applicant

Versus

State of Goa & Anr. Respondents

LD-VC-BA-91-2020

Allan Antonio D'Souza Applicant

Versus

State of Goa & Anr. Respondents

LD-VC-BA-92-2020

Jovin Christie Roddlino
D'Souza @ Jovin Rodrigues Applicant

Versus

State of Goa & Anr. Respondents

LD-VC-BA-101-2020

Imran Jamaluddin Khan Applicant

Versus

State of Goa & Anr. Respondents

LD-VC-BA-102-2020

Suresh Shekappa Pujar Applicant

Versus

State of Goa & Anr.

.... Respondents

AND
LD-VC-BA-103-2020

Fabier Devandar Gohar

.... Applicant

Versus

State of Goa & Anr.

.... Respondents

Shri Gautam Pednekar, Advocate for the Applicant.

Shri Mahesh Amonkar, Additional Public Prosecutor for the Respondents.

Coram:- DAMA SESHADRI NAIDU, J.

Date:- 8 DECEMBER 2020

ORAL ORDER :

In Crime No.112/2020, there are nine accused. This crime, registered by Anjuna Police Station, attracts sections 143, 147, 148, 323, 324, 427, 307 read with 149 IPC. Of these nine accused, the first four belong to the same family. That apart, one of the accused, being a juvenile, has already earned his release. Now, of the remaining eight accused, seven have filed these regular bail applications.

2. As the record reveals, these applicants were arrested on 09.09.2020 and had been subjected to custodial interrogation for one week. Later, they were remanded in judicial custody. After completing the investigation, the police have filed the chargesheet, as well.

3. As to the facts of the case, initially three of the accused approached the timber depot run by the victim and wanted to buy some wood. Because of the difference in the price, they allegedly picked up a quarrel and beat the staff at the timber depot. Though they left the place, again they came back with a couple of more people and assaulted the staff. In this process, the victim, that is the owner of the timber depot, is said to have received grievous injuries. And that seems to have prompted the

police to invoke section 307 of IPC.

4. Heard Shri Gautam Pednekar, the learned counsel for the applicants; and Shri Mahesh Amonkar, the learned Additional Public Prosecutor for the respondents.

5. The crime is peculiar and has a curious backdrop. The applicants seem to be utter strangers, having no acquaintance with the victim. Thus, they had no prior enmity. A casual instance of a business transaction has gone wrong and that has resulted in the crime. Of course, it is for the trial Court to adjudicate on the truth and veracity of the allegations and serve just deserts on the accused if they are guilty of the crime.

6. At this stage, I only need to look at whether the applicants are entitled to regular bail. In this case, the investigation has been completed and chargesheet filed. Besides, the applicants have earlier been subjected to custodial interrogation. The applicants, by now, have been in judicial remand for three months. No particular purpose serves at this juncture to keep the applicants in judicial custody. The applicants have no criminal antecedents, either. If the Court can ensure that the applicants will not abuse their liberty, this Court needs to consider the applications positively. That said, this Court can prevent any possible abuse of the bail by imposing suitable conditions.

7. I, therefore, allow these bail applications through this common order, subject to the following conditions:

ORDER

- (i) The applications of bail are allowed.
- (ii) The applicants are directed to be released on bail on their executing P.R. Bond for ₹25,000/- each and on furnishing two sureties, each for the like sum, to the satisfaction of the learned trial Judge.
- (iii) The applicants should not leave the State of Goa, without prior permission of the learned trial Judge.

(iv) The applicants shall visit the jurisdictional police station once a week on Saturday at 11.00 a.m.

(v) The applicants 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 applicants shall not influence, induce, threaten, or coerce the witnesses; nor should they abuse the process.

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

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

(ix) The Bail Applications stand disposed of.

Parties to act on the authenticated copy of this order.

DAMA SESHADRI NAIDU, J.

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