

IN THE HIGH COURT OF BOMBAY AT GOA

**LD-VC-BA-14-2020**

Hazrat Ali Sheikh @ Anwar Sheikh ... Applicant

Versus

State of Goa and Others ... Respondents

Shri Preetam Talaulikar, Advocate for the applicant.

Shri Pravin Faldessai, Additional Public Prosecutor for the respondents.

Shri Sachit Mauskar, Advocate for the victim.

**Coram:- NUTAN D. SARDESSAI, J.**

**Date:- 10th July, 2020**

**P.C.:**

Heard Shri Preetam Talaulikar, learned Advocate for the applicant and Shri P. Faldessai, learned Additional Public Prosecutor for the respondent State.

2. It was the contention of Shri Talaulikar, learned Advocate for the applicant that the victim stayed with the accused from May to November, 2019 in Dharwad and lodged the complaint only later in Goa on 15/11/2019. She subsequently lodged another complaint on 14/03/2020

alleging that she was compelled to lodge the first complaint against the applicant and others. There was no basis in her case as alleged and there were contradictory statements on the incident in question. It was a fit case to enlarge the applicant on bail considering also that the mobile call details of the victim were suppressed and there were no other call details available on record and so too of the applicant which casts serious doubt on the case of the State. It was a fit case to enlarge the applicant on bail and therefore the application had to be allowed by imposing certain terms and conditions.

3. Shri P. Faldessai, learned Public Prosecutor expressed his anxiety about the offence for which the applicant stood charged under Section 376D in particular but was otherwise unable to answer the queries raised by this Court on the nature of the complaint and cross complaint lodged by the victim herself revealing contradictory statements on the incident alleged of gang rape against her. Without going further in the merits of the case and in the peculiar facts

and circumstances thereof, i order the release of the applicant 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 the 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.

**NUTAN D. SARDESSAI, J.**

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