

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-BA-9-2020.

Mr. Swapnil Sakaram Parab ... Applicant.

Versus

State & anr ... Respondents.

Shri A.D.Bhobe, Advocate for the Applicant.

Shri Pravin Faldessai, Addl. Public Prosecutor on behalf of the State.

Coram : Nutan D. Sardessai. J.

Dated : 19th June, 2020

P.C.:

It was the contention of Shri A.D.Bhobe, learned Advocate that the applicant has been charged primarily for the offences under Section 269 and 188 of I.P.C. and Section 4 of the Explosive Act, 1908 in Crime no. 66/2020 of the Pernem Police Station. He was not involved in the crime as alleged, particularly that of possession of explosives and therefore he be released on bail in anticipation of arrest. The allegation against him was without any

basis and particularly the reply filed against him on behalf of the State and therefore the application be granted and he be secured by the order of bail in anticipation of his arrest.

2. Shri Pravin Faldessai, learned Addl. Public Prosecutor filed his reply and strongly opposed the application for bail revealing that the applicant was found in possession of gelatin and explosive wire which was to be used to blast in Casarvarnem river as revealed during the course of investigation. The applicant was involved in the heinous crime during the course of lockdown period declared by the Hon'ble Prime Minister and the order issued by the District Collector against forming an assembly. Besides the applicant was involved in several offences of the Pernem Police Station apart from Ponda and Porvorim Police Stations and looking to the seriousness of the offences against him, the applicant was not entitled to bail.

3. i have heard Shri A. D. Bhobe, learned Advocate for the applicant and Shri Pravin Faldessai, learned Addl. Public Prosecutor on behalf of the State. Besides i have also perused the order passed by the learned Addl. Sessions Judge who by a speaking order clearly held against the applicant and declined the benefit of

bail in anticipation of arrest to him. The tenor of the reply amply demonstrates that the applicant was found in possession of gelatin and explosive wire contrary to the submission of Shri A.D.Bhobe, learned Advocate that the applicant was not found in possession of any explosive articles as alleged on behalf of the State. The offence alleged against the accused is serious in nature and looking to the fact that the investigation is at the inception, the applicant would not be entitled to bail at this stage. Besides there are several offences registered against the applicant which also play a role in deciding the application against him.

4. I do not find any merit in the application which accordingly stands dismissed.

Nutan D. Sardesai, J.

MF/-