

**IN THE HIGH COURT OF BOMBAY AT GOA
LD-VC-BA-62-2020**

Roystein cordo ... Applicant

Vs

State of Goa & Anr. ... Respondents

Shri K. Poulekar, Advocate for the Applicant.

Shri Gaurish Nagvekar, Additional Public Prosecutor for the Respondents.

Coram:- DAMA SESHADRI NAIDU, J.

Date:- 29 OCTOBER 2020

P.C. :

The applicant is an accused in Crime No.152/2020, registered by Calangute Police Station, for the alleged offences under Section 302, 143, 144, 147, 148, 307, read with 149 of IPC. All the seventeen accused were arrested on three different dates. The applicant was arrested on 04.05.2020 along with A1 to A9 and B1 to B3. He has been in judicial custody ever since.

2. The prosecution contends that the applicant was part of the unlawful assembly that indulged in crime resulting in the death of a person.

3. On the other hand, the applicant maintains that his brother along with the deceased was brutally assaulted by some persons. Then his brother's friends came over to the applicant's house and informed his father about the incident. The applicant's father called up the applicant, who was with his wife at some other place, and told him to check the information he received. Therefore, along with his wife, the applicant allegedly rushed to the spot and found his brother lying unconscious. His inquiries revealed that there was a fight involving a few people and his brother was beaten. Then, the applicant also found another person, who

turned out to be the victim, lying unconscious at some other place in the vicinity. After calling the ambulance, the applicant shifted his brother to the hospital and tended to him. But the police, later, arrayed him as an accused in the crime and arrested him as if he were part of that group of persons that committed an offence. The police have also filed the chargesheet, besides their say in this matter.

4. Heard the learned counsel for the applicant and the learned Additional Public Prosecutor.

5. After going through the material, I reckon though the applicant has been made an accused, there is no serious act attributed to him. He is said to have been at the scene of the offence.

6. For about 6 months, the applicant has been in judicial custody. He has no criminal antecedents. Besides, his very own brother is said to be the assaulted victims. As the police already completed the investigation and filed the chargesheet, I reckon it serves the interest of justice if the Court enlarges the applicant on bail, of course, with conditions.

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

ORDER

- (i) The application of bail is allowed.
- (ii) The applicant is directed to be released on bail on his executing P.R. Bond for ₹30,000/- and on his furnishing two sureties, each for the like sum, to the satisfaction of the learned Additional Sessions Judge-I, Mapusa.
- (iii) The applicant should not leave the State of Goa, without prior permission of the learned Additional Sessions Judge-I, Mapusa.
- (iv) The applicant shall attend the hearing of the case on the dates fixed by the trial Court in Sessions Case

No.13/2020 on the file of the learned Additional Sessions Judge, Mapusa.

(v) The applicant is to attend the jurisdictional police station once in a week—11 am on every Saturday.

(vi) The applicant shall not influence, induce, threaten, or coerce the witness; nor should he abuse the process.

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

(viii) The applicant shall surrender his passport, if any, before the jurisdictional police station.

(viii) The Bail Application stands disposed of.

Parties to act on the authenticated copy of this order.

DAMA SESHADRI NAIDU, J.

NH