

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CRI-72-2020

IN

LD-VC-BA-22-2020

Suhas Narayan Naik

...Applicant

Versus

State of Goa, Thr. Police
Inspector & Investigating Officer,
Ponda Police Station, and ors.

...Respondents

Mr S.G.Dessai, Sr. Advocate with Mr Pavithran A.V., Advocate for the Applicant.

Mr Sagar Dhargalkar, Addl. Public Prosecutor, for the Respondent Nos. 1 & 2.

Mr Sahil Sardessai, Advocate, for Respondent No.3.

Coram: Dama Seshadri Naidu, J.

Dated: 16th December 2020.

P.C.:

When this Court granted bail through its order, dated 24.08.2020, it imposed certain conditions. One of the conditions reads thus:

The petitioner should not live in any part of the District of South Goa until further orders from this Court.

2. Now, the applicant has filed this relaxation petition. Shri Desai, the learned Senior Counsel, informs me that the applicant is a panch member. He needs to attend the panchayat meetings, which include the quarterly meetings as well as the gram sabha meetings. Because of his inability to attend those meetings, a person who has lost to the applicant in the elections had applied for the applicant's disqualification. Therefore, to ward off the threat of disqualification, the applicant wants the bail condition relaxed.

3. The learned Senior Counsel has also pointed out that the applicant has a business, and because of the bail condition, he could not supervise that business effectively. As a result, he has been suffering losses, exposing his family to hardship. On this count, too, the applicant wants the condition relaxed.

4. In response, Shri Sagar Dhargalkar, the learned Addl. Public Prosecutor, opposes any relaxation of the bail conditions. To begin with, he has submitted that it has become a 'fashion' for the accused in the crimes to secure bail by representing that he will abide by whatever conditions the Court imposes. Soon after that, they come up with relaxation applications as a matter of course. Then, confining to the facts of the case, he has submitted that the disqualification application which the petitioner is talking about was filed even before he had been granted bail. Therefore, there is no substance in the applicant's contentions that the bail condition should be relaxed.

5. The learned counsel for the third respondent, too, has submitted that the applicant's business has been running to its full capacity. And his presence or absence hardly makes any difference. According to him, this Court has already recorded in the bail order the

respondents' submissions that the applicant is an influential person, and his presence in the village may intimidate the victims and others. That observation, the learned counsel stresses, still stands good.

6. Heard Shri S. G. Dessai, the learned Senior Counsel, with Shri Pavithran A.V, the learned advocate for the Applicant; and Shri Sagar Dhargalkar, the learned Addl. Public Prosecutor for the prosecution; and Shri Sahil Sardessai, the learned counsel for the third respondent.

7. True, the applicant secured bail from this Court on certain conditions. One of the conditions is that the applicant should not live in any part of the District of South Goa until further orders from this Court. Now, the applicant pleads that he is a public representative, elected to a civic body—Panchayat. The Statute, indeed, mandates that he should attend the panchayat meeting, lest he should stand disqualified. That said, those meetings do not take place daily. They are once in a while. If the Court relaxes the condition and allows him to visit his village only on the dates of those meetings, I reckon no harm is done.

8. So I modify the bail condition: the applicant may visit any part of South Goa, including the area of his Gram Panchayat, only on the days when he should be attending the Gram Panchayat meetings.

9. With this modification, I dispose of this application.

Dama Seshadri Naidu, J.