

IN THE HIGH COURT OF BOMBAY AT GOA.

LD-VC-BA-95/2020

Sarita Shinde, Presently in
Colvale Jail

...Applicant.

Vs

State of Goa and anr.

...Respondents.

Shri V.Amonkar, Advocate for the Applicant.

Shri P. Faldessai, Additional Public Prosecutor for the respondents.

Coram:- DAMA SESHADRI NAIDU, J.

Date:17 December 2020.

P.C.

The applicant is the first accused in crime no.148/2108 registered by the Crime Branch, Goa.

2. The alleged crime attracts section 370 read with 34 of IPC besides Sections 3 and 4 of the Immoral Traffic Prevention Act. Arrested on 27.11.2018, the applicant had initially been subjected to custodial interrogation and, later, to judicial remand. Thus, ever since her date of arrest, she has been in judicial custody. Her two previous applications rejected by the trial Court, now she has come before this Court. In the meanwhile, the police have filed the chargesheet in Sessions case (others) No.18/2019, pending before the Additional Sessions Judge, Mapusa.

3. Heard Shri Rohan Dessai, the learned counsel for the applicant, and Shri Pravin Faldessai, the learned Additional Public Prosecutor for the respondents.

4. After taking me through the record the applicant's counsel has stressed that the applicant is a woman without any criminal antecedents. She has already been in judicial custody for over two years. According to him, the applicant eminently deserves bail.

5. Nevertheless, the learned Additional Public Prosecutor has opposed the bail. According to him, the offence is grave. The Court ought not to be swayed by sympathy.

6. Indeed, grave is the offence. The applicant has already been in judicial custody for over two years. She is a woman without any criminal antecedents. As the charge sheet has already been filed, and the matter is ripe for trial, I reckon this is a fit case for the Court to grant the bail.

ORDER

- (i) The application of bail is allowed.
- (ii) The applicant is directed to be released on bail on her executing P.R. Bond for Rs.25,000/- and on her furnishing two sureties, each for the like sum, to the satisfaction of the learned Additional Sessions Judge, Mapusa.
- (iii) The applicant should not leave the State of Goa, without prior permission of the learned Additional Sessions Judge, Mapusa.
- (iv) The applicant shall attend the hearing of the case on the date fixed by the trial Court.
- (v) The applicant shall not influence, induce, threaten, or coerce the witness; nor should he abuse the process.
- (vi) 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.
- (vii) The Bail Application stands disposed of.

DAMA SESHADRI NAIDU, J.