

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-BA-123-2020

Suresh Babu Madkar

...Applicant.

Versus

State and ors.

... Respondents

Shri S. G. Desai, Senior Advocate with Shri S. Naik, Advocate for the applicant.

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

Coram:- DAMA SESHADRI NAIDU, J.

Date:-18 December, 2020

P.C.

Shri Surendra Desai, learned senior counsel, points out that though the trial Court dismissed the applicant's anticipatory bail application on 16.12.2020, the copy of the order has not yet been made available. But given the urgency especially the threat of imminent arrest the applicant faces, he has filed this anticipatory bail application after serving notice on the prosecution. It seems the notice was served late at night yesterday.

2. In this background, Shri P. Faldessai, the learned Additional Public Prosecutor, seeks time to get instructions. He nevertheless points out that the applicant face the allegations of beating a police officer on duty. Any leniency at this stage will only embolden the law breakers. That said, the Court needs to have complete information before it rules on the anticipatory bail application. Even the trial Court's order of dismissal is unavailable.

3. Under these circumstances, let the matter stand over after vacation; the prosecution can have its say in the meanwhile. Nevertheless, in the interest of justice, it is desirable that the applicant's liberty needs to be safeguarded until the Court hears the matter on merits. Therefore, there shall be stay against the arrest pending this bail application.

DAMA SESHADRI NAIDU, J.

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