

**LD-VC-BA-53-2020**  
**IN THE HIGH COURT OF BOMBAY AT GOA**

**LD-VC-BA-53-2020**

**Abdul Karim Shaikh**  
**presently lodged in**  
**Central Jail,**  
**Colvale.**

..... **Applicant**

**V e r s u s**

**State of Goa,**  
**Thr. Public Prosecutor and anr.**

..... **Respondents**

Mr. Kautuk Raikar, Advocate for the Applicant.

Mr G. Nagvekar, Additional Public Prosecutor for the Respondent/State.

**CORAM: DAMA SESHADRI NAIDU, J.**  
**DATE: 21st October 2020.**

**ORDER:**

The applicant is the accused no.2 in Crime No.34/2018 of Curchorem Police Station. The alleged offence is under sections 302 and 201, r/w 120 (B), of IPC. The applicant was arrested on 8/5/2018; he has still been in judicial custody. Over time, the prosecution filed its charge sheet, on 8/5/2018. And, then, the Additional Sessions Judge at Margao, took the case on file as SC No.13/2018.

2. After his initial failed attempts before the trial Court, in September 2018 the applicant filed Bail Application No.275/2018 before this Court. By then, the police filed the charge-sheet, and the Sessions Court framed charges. Through a detailed Judgment, dated 26/9/2018, this Court

dismissed the bail application. Now, after a gap of two years, the applicant has filed this application.

3. In response to the submissions advanced by the applicant's counsel, the learned Additional Government Pleader has drawn my attention to this Court's earlier Judgment, dated 26/9/2018. Then, he has reminded the Court that by the time the applicant filed the previous bail application, the chargesheet had already been on file. That is, this Court had the advantage of going through the material. And after going through the material, it dismissed the bail application. In this context, the learned Additional Public Prosecutor underlines that there has been no change in the circumstance for this Court to entertain the second bail application.

4. On his part, the learned applicant's counsel has, however, reiterated that even going by the chargesheet, the applicant allegedly played a minor role in helping the other accused in disposing of the victim's body. At any rate, he has pointed out that the second accused, who is said to have participated in the crime since inception, has already been granted bail. The record reveals that the second accused was granted bail on 28/8/2020. Therefore, he has urged this Court to allow this bail application.

5. Heard Shri Raikar, the learned counsel for the applicant, and Shri Nagvekar, the learned Additional Public Prosecutor for the Respondent.

6. Indeed, the alleged offence is grave. The first accused is the wife of the deceased. The deceased is said to have always been suspecting the first accused's fidelity and harassing her. The prosecution maintains that the first

accused has, then, conspired with the other accused and done away with her husband. If we keep aside the conspiracy theory, the applicant faces one explicit allegation: after murdering her husband, the first accused allegedly sought the applicant's help in disposing of the dead body; that is, in causing disappearance of evidence in terms of section 201 of IPC.

7. The record does not reveal that the applicant has any criminal antecedents. He has been in judicial remand for about two years and six months. The fact remains that the prosecution has completed the investigation, filed the charge sheet, and even have been charges framed. The matter is ripe for trial.

8. As a matter of later developments, the second accused, who has faced allegations of same severity if not more, has already been enlarged on bail. Bleak are the prospects of the applicant's interfering with the trial yet to be commenced or his influencing the witnesses. Nor is the trial to begin immediately. So I reckon it is a fit case for the Court to enlarge the applicant on bail subject to conditions.

9. Under these circumstances, I allow this bail application subject to these conditions:

- (i) The bail application is allowed.
- (ii) The applicant is directed to be released on bail on his executing P. R. Bond for Rs.30,000/- (Rupees Thirty thousand only) and on his furnishing two sureties, each for

the like sum, to the satisfaction of the learned Additional Sessions Judge at Margao.

(iii) The applicant should not leave the State of Goa, without prior permission of the learned Additional Sessions Judge, Margao.

(iv) The applicant shall attend the hearing of the case on the dates fixed by the trial Court.

(iv) The applicant is to attend the jurisdictional police station twice in a week—11 a.m.

(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.**

**AP/-**