

**IN THE HIGH COURT OF BOMBAY AT GOA.**

**CRIMINAL APPLICATION BAIL NO.180 OF 2019.**

Rajesh Singh Dalal  
Convict/prisoner

..... Applicant.

Vs

State of Goa and ors.

..... Respondents.

Shri R. Menezes, Advocate for the applicant.

Shri G. Nagvenkar, Addl. Public Prosecutor for the respondents.

**Coram:- DAMA SESHADRI NAIDU, J.**

**Date: 24<sup>th</sup> September 2020.**

**PC.**

The applicant has been charged with the offences punishable under Sections 302 & 201 of IPC, read with Section 34 of IPC by Ponda Police Station in Crime No.66/2016. The alleged incident is said to have taken place on 08.03.2016, and the applicant was arrested two days later. Ever since his arrest, the applicant has been in judicial custody.

2. In the course of time, the police filed the charge-sheet. Thereafter, the case was made over to the Additional Sessions Judge Panaji at Ponda Goa, in Sessions Case No.10/2016 for trial. The applicant's counsel, as well as the learned Additional Public Prosecutor, agrees that by now many witnesses have been examined. Nevertheless, earlier the applicant applied for regular bail to the Sessions Court but could not succeed. The trial Court, through its order dated 10.5.2019,

dismissed the bail application. Now, the applicant has come before this Court.

3. In the above factual background, Shri R. Menezes, the learned counsel for the applicant, submits that the whole case against the applicant hinges on, as he puts it, a faulty ID parade and also tenuous circumstantial evidence. In response, the learned Additional Public Prosecutor points out that after the trial Court dismissed the bail application, there have been many developments. It is almost one year since the trial Court has dismissed the bail application.

4. According to the learned APP, the trial Court has examined many witnesses barring a few official witnesses. Therefore, he urges this Court to dispose of this matter by giving liberty to the applicant to approach the trial Court once again for regular bail. To justify this submission, the learned APP points out that that the trial Court has been well seized of the matter and may have a better perspective, even prima facie, of the case, based on the evidence it has so far recorded.

5. Heard Shri R. Menezes, the learned counsel for the applicant, and Shri G. Nagvenkar, the learned Additional Public Prosecutor for the respondents.

6. True, as the learned Additional Public Prosecutor has pointed out, the trial Court dismissed the regular bail application over a year ago. Later it has examined many witnesses; therefore, substantial evidence must have already come on record.

7. Under these circumstances, I reckon the trial Court is in a better position to appreciate the changed circumstances, if any, as well as evidence that has come on record.

8. I, therefore, close this bail application without adverting to the merits. Instead, I grant liberty to the applicant to move the trial Court for regular bail under these changed circumstances.

I hope the trial Court will consider the application expeditiously, subject to the docket pressure it has already been facing.

**DAMA SESHADRI NAIDU, J.**

vn\*