



**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS
'D' COURT AT MARGAO, DISTRICT - SOUTH GOA.**

(Before Mr. Sabino A. Braganza, J.M.F.C. 'D' Court, Margao Goa)

Bail Application No. 67/2026/D

Mr. Aditya Vinod Gaikwad...

...Applicant

Versus

STATE OF GOA THROUGH

1. P.I. Margao Town Police Station

2. Assistant Public Prosecutor, Margao ...

...Respondents

Appearance:-

For the Applicant: Adv. (Mr.) K. Viegas present.

For Prosecution: A.P.P. (Ms.) S. Verenkar Present present.

I.O. present.

ORDER BELOW EXHIBIT C-1

(Delivered on 24th July, 2026)

This order shall dispose of the present application for bail under Section 480 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, B.N.S.S.).

2. It is the case of the Applicant that the Applicant was arrested by Margao Town Police Station, in Crime No. 74/2026 for offences punishable under Section 318(4) of the Bharatiya Nyaya Sanhita,

2023 (in Short B.N.S.). It is submitted that the Applicant is innocent and has been has been falsely implicated in the above mentioned crime and that the Applicant is a peace abiding citizen with no criminal antecedents. Further the Applicant has stated that all the necessary investigation has been completed and the Applicant's custody is no more required in the present crime. Further, the Applicant undertakes to abide by all the terms and conditions that will be imposed by the Court and will co-operate in investigation and also remain present as and when required by this Court. It is therefore prayed that the Applicant be enlarged on bail. It is further informed that the Applicant is presently in the Police Custody.

3. The Say Investigating Officer (I.O.) was called, and the I.O. has filed his Say at Exhibit C-3 by stating that the Applicant has stated in his bail application that he is innocent and is not involved in any manner in the said crime, however, the Accused/Applicant transaction and recovery of chain is made from the Applicant. Further that the investigation is at the initial stage and if the Applicant is released on bail at this stage of investigation, then there is every possibility that the Accused/Applicant may jump bail and may not be available at the time of investigation or trial of this case. Hence, prayed that the Application may be rejected.

4. Perused the application, say and also heard learned Advocate (Mr.) K. Viegas for the Applicant, Prosecutor and the Investigating Officer.
5. I note that the Complaint against the Applicant/Accused is for the offences punishable under Section 318(4) of B.N.S. is triable by Court of Magistrate and is Non-Bailable in nature.
6. Keeping the Applicant/Accused in Judicial Custody would not suffice as undisputedly, offense/punishment is punishable for imprisonment which are or which may extend 5 years, and certain offences are non-bailable offence and therefore, the only point of determination before this Court whether the Applicant can make out a case for grant of bail, particularly in the background of the peculiar circumstances of this case is non bailable offence.
7. The Hon'ble Supreme Court in a ***Sou Moto writ petition No. 1/2020*** has stated that all offences below the prescribed punishment of 7 years is not a habitual offender to be released on personal bond and the Accused stated through his advocate that he will abide by all conditions imposed by the Court.
8. A meticulous reading of the provision, clearly states that bail cannot be granted to a person accused for offence punishable by

death or imprisonment for life and if a person is accused or suspected of the commission of an offence punishable with imprisonment which may extend to seven years or more or of an offence under Chapter VI, Chapter XVI or Chapter XVII, the Court may impose condition.

9. The Hon'ble Supreme Court in ***State v/s Buddikota AIR 1989 SC 2292*** has held that the decision as to whether to release an accused charged with commission of a non bailable offence or to commit into jail, has to be made having regard to the nature of the crime, background of the Accused, the possibility of his jumping bail, the impact that his release may make on the prosecution witnesses, on the society and the possibility of retribution etc.
10. Also considering, the decision by The Hon'ble High Court of Bombay at Goa in the case of ***Khemlo Sakharam Sawant v. State***, reported in ***(2001) 2 Bombay LR 875***, held that in a case of bail, the law is well settled. It held that the Apex Court has time and again observed that bail is a rule and jail is an exception, particularly when the offence in question is not an offence which involves life and death sentence.
11. As regards to the apprehension of the respondent it states about whether the presence of the Applicant/Accused is likely to abuse

the discretion granted in his favor by tampering with evidence. And therefore in present case, the Applicant can be given certain terms and conditions to abide if bail granted.

12. The Accused/Applicant is presently now lodged in Judicial Custody at Satara in Crime No. 552/2026 of Satara City Police Station, Maharashtra.

13. I am therefore inclined to allow the application and order the following:-

ORDER

1. The Bail Application is allowed. The Applicant, Mr. Aditya Vinod Gaikwad is enlarged on bail in Margao Town Police Station, under Crime No. 74/2026 subject to the following conditions:

- a. The Applicant shall furnish Indemnity Bond, Personal Bond and Surety of an amount of Rs. 15,000/- to the satisfaction of the Investigation Officer. Surety shall be within the State of Goa.
- b. The Applicant to report to the I.O. and the Court as and when directed by the I.O. and the Court, till the disposal of final report in this Crime.

- c. The Applicant shall not leave the Country of India without giving prior intimation to the I.O and the secure appropriate permission of the Court;
- d. The Applicant and the Surety shall furnish their detailed permanent including local address alongwith their contact numbers, Email-ID supported with proof and along-with full size photographs (of the Applicant) of the which will be duly countersigned by the Applicant and the same to be furnished to the Court. Incase of change in address, the Applicant and surety to intimate in writing the change of address to the Court without fail.
- e. Applicant shall also provide three photo address proof of relatives of the Applicant residing at native place of the Applicant.
- f. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade him from disclosing such facts to the Court or to any police officer or any other authority;
- g. The Applicant shall not tamper with the evidence in any manner;

- h. The Applicant shall not commit any other offence or similar to the offence of which he is presently charged;
 - i. The Applicant shall co-operate with the investigation.
2. The Applicant shall be released upon fulfilling conditions at 1 (a) (d) and (e) above.
 3. It is made clear that Applicant shall be set at liberty only if he is not required in any other crime.
 4. If the Applicant does not comply with the said conditions or commit default of the said conditions, the Bail shall stand cancelled.

Hence, Investigation Officer is directed to verify the above conditions and release the Applicant accordingly by Issuing the Letter to the Jailor thereafter.

Issue letter accordingly.

Dictated and pronounced in Open Court.

Proceedings Closed.

(Sabino Adrian Braganza)
Judicial Magistrate First Class,
'D' Court, Margao-Goa.