

GASG02 003207 2022



Presented on : 10.10.2022

Registered on : 10.10.2022

Decided on : 11.10.2022

Duration : Days Months Year

04 00 00

**IN THE COURT OF THE JUDICIAL
MAGISTRATE FIRST CLASS, AT MARGAO**
(Before: Miss. Queency D'Silva, 'G' Court, Judicial
Magistrate First Class, at Margao South Goa.)

**Bail Application No.131/2022/G
CNR: GASG02 003207 2022**

Shri Hemant Raikar,
s/o Vishwas Raikar,
aged 55 years,
resident of H. No.158/I,
Suravali Co-op Housing Soct.,
Per-Seraulim,
Colva, Salcette Goa 403708
(Through his next friend
Shri Mahendranath Karekar,
s/o Amrut Karekar,
age 28 years,
H. No.88/C, Zoriwado,
Dovorlim, Salcette Goa
Mob 7507932728

... Applicant

Versus

S T A T E
Through

1. P.I. EOC Police Station, Panjim,
2. Assistant Public Prosecutor,
Margao.

... Respondent

APPEARANCES

Adv. P. Borkar present for Applicant.

I.O. present.

ORDER

**{Delivered on this 11th day of the month of
October, of the year 2022}.**

1. This Order shall dispose off the Bail application filed by the Applicant. The Applicant

was arrested on 07.10.2022 in Crime No.09/2022, by the Respondent for the offences punishable under Sections 406, 409, 420 r/w 120B of the Indian Penal Code 1860 (IPC in short).

2. The Applicant, in the present Application, has submitted that the Applicant has not committed any offences and has been falsely implicated in the present crime. The Applicant further expressed his willingness to abide by the conditions that will be imposed by this Court. Further, it is stated that the Applicant is undergoing severe mental torture and agony while in custody and prayed to grant bail to the Applicant.

3. As per the Reply (Exhibit C-3), of the Investigating Officer, it is submitted that the Applicant is involved in the present crime and that if the Applicant is released there is every possibility that he will flee from the clutches of law and further

that the Applicant will not cooperate with investigation. Further, it is stated that the offence is serious in nature and that the investigation is still at its preliminary stage and prayed to reject the present application.

4. Perused the Application and the Say of the Investigation Officer. Heard the Learned Advocate for the Applicant and the Investigating Officer. The question that arises here is, whether the Applicant can be released in the facts and circumstances of the present case.

5. Learned Advocate for Applicant submitted that the Applicant has been arrested only on mere suspicion and that there is no prima facie evidence against the Applicant. Further it was submitted that only because it is alleged that the amount has been transferred to the Applicant does not necessarily involve the Applicant in the present crime.

6. The Investigating Officer submitted that the custody of the Applicant is required in order to trace the details of the crime and the other Accused. Further, it is submitted that the investigation is in progress for which the custody of the Applicant is very much required. It was also further submitted that there is every possibility of the Applicant fleeing away and avoiding investigation and trial and that there is every possibility that the Applicant will commit crimes of similar nature in future.

7. From the records it appears that the Applicant is charged with cognizable offence. Liberty of a person is of utmost importance. In as much as, the Applicant absconding, threatening the witnesses and hampering the trial is concerned, the same can be taken care of by imposing stringent conditions upon the Applicant and by taking

necessary and sufficient Bonds / Surety from the Applicant. No other sufficient justification has been provided by the Respondents as to why the Applicant is required in Custody. I therefore see no reason as to why the present Application should not be allowed.

8. I therefore proceed to pass the following:

FINAL ORDER

- (i) The Applicant shall be released on execution of Personal Bond of Rs.1,00,000/- (Rupees One Lakh Only), with two solvent sureties in the like amount, to the satisfaction of the Court.
- (ii) The Applicant shall attend the trial without fail.
- (iii) The Applicant shall not tamper with the evidence connected in the present crime in any manner whatsoever.
- (iv) The Applicant shall not threaten any witnesses concerned in the present crime in any manner.

- (v) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person/s acquainted with the facts of this case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer or to tamper with any evidence in this case.
- (vi) The Applicant shall not leave the Country without, prior permission of the Court.
- (vii) The Applicant and the Surety shall furnish his correct self-attested temporary and permanent residential address details with proof and contact details of themselves, and their relatives if any, to the Investigating Officer, and shall also undertake to intimate the Investigating Officer in case of any change in his address and contact details in future.
- (viii) The Applicant shall furnish his contact details which are presently in use and shall also intimate the Investigating Officer in the event of change of contact numbers.

- (ix) The Applicant shall not indulge in similar criminal activities.
- (x) The Applicant shall report to the concerned Police Station from the date of his release for a period of seven days from 10.00 a.m. to 1.00 p.m. and also whenever called upon by the Investigating Officer with regard to the present crime.

The Applicant shall be released on the above conditions **IF HE IS NOT REQUIRED IN ANY OTHER CRIME.**

Pronounced in the open Court.

Proceedings closed.

(Queency D'Silva)
Judicial Magistrate First Class,
'G' Court, Margao, South Goa.

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