

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION (BAIL) NO. 324 OF 2026 (F)

Raju B., Presently in Judicial Custody ... Applicant
Versus

State Rep. By the Officer in Charge/Investigating ... Respondents
Officer & anr.

Mr. V. D. Porob, Advocate with *Mr. Sairaj Bhaje, Mr. E. A. Khobarekar and Mr. G. U. Kalangutkar, Advocates for the Applicant.*

Ms. Swati Kamat Wagh, Additional Public Prosecutor for the Respondents-State.

CORAM : DR. NEELA GOKHALE, J.

DATE : 23rd APRIL, 2026

P.C.

1. Ms. Swati Kamat Wagh, learned Additional Public Prosecutor, has tendered the additional reply of the Investigating Officer. The same is taken on record.

2. The Applicant is released on bail in connection with CR No.133/2025 registered with the Mapusa Police Station on 07.10.2025, for offences punishable under Sections 331(3), 115(2), 351(3), 126(2), 310(2), 61(2) and 111 read with Section 3(5) of the Bharatiya Nyaya Sanhita 2023, (BNSS).

3. The Applicant had preferred a Bail Application No. 13 of 2026 before the Additional Sessions Judge-II at Mercas, Tiswadi, Goa.

4. I have perused the Order dated 21.01.2026 passed by the Additional Sessions Judge-II, Mercas, Tiswadi Goa, rejecting the bail application of the Applicant. It appears that the Counsel appearing for the Applicant had raised many grounds before the trial Court. One of the grounds raised by the Applicant relates to his alleged illegal arrest inasmuch as the prosecution failed to produce the Applicant before any Court of competent jurisdiction in Bangalore, Karnataka, seeking transit remand.

5. According to Mr. Porob, learned Counsel appearing for the Applicant, the Applicant was not produced before any Court of competent jurisdiction in Bengaluru seeking a transit warrant to bring him to Goa. Hence, the arrest of the Applicant is completely illegal.

6. The Additional Sessions Judge-II, Mercas, Tiswadi, having recorded the submission of Mr. Porob, on the above and other grounds, however, has not dealt with the same. In fact, the bail application is rejected only on the ground raised by Mr. Porob regarding grant of bail for failure of the Investigating Agency to file the final report within the time prescribed by the BNSS.

7. In these circumstances, Mr. Porob seeks permission to withdraw the present bail application with liberty to file a fresh bail application before the trial Court raising all his grounds in the fresh bail application.
8. The Additional Sessions Judge-II, Merces, is requested to deal with the grounds raised by the Applicant in the fresh bail application that will be filed by the Applicant before the said Court.
9. The application is disposed of as withdrawn with the aforesaid liberty.
10. This Order will be digitally signed by the Senior Private Secretary/Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

DR. NEELA GOKHALE, J