



Amrut

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL APPLICATION (BAIL) NO.502 OF 2026 (Filing No.)**

SAI KUNDAIKAR PRESENTLY LODGED
JUDICIAL CUSTODY IN CENTRAL JAIL,
COLVALE, GOA

.... Applicant

Versus

STATE OF GOA THR PP AND ANR.

...Respondents

Mr Arun Bras De Sa with Mr Sahil Sardesai, Mr Coburn Franco
and Mr Mark Valadares, Advocates for the Applicant.

Mr Pravin Faldessai (Through V.C.), Additional Public Prosecutor
for the State.

CORAM: DR. NEELA GOKHALE, J.**DATED : 17th JUNE 2026****P.C.:**

1. This application seeks enlargement on bail in connection with FIR No. 79/2023 registered with the Old Goa Police Station, North District, for offences punishable under Sections 302, 201, 143, 144 read with Section 149 of the Indian Penal Code, and Section 4 read with Section 25 of the Arms Act.
2. There are five accused in total. Four of them have been granted bail. The Applicant is Accused No.1.



3. The record shows that the charge sheet has been filed, the charges have been framed, and the trial has commenced. As many as four witnesses have been examined, and the fifth witness is in the witness box.

4. In brief, the facts of the case are that on 16th July 2023 at 15.50 hours, an FIR was registered at the concerned Police Station upon a complaint by Mrs Yashvi Kalangutkar, the deceased's sister, that near the junction of the Hindu Crematorium and the village road coming from Apna Ghar, Voilem Bhat, Mercas, Tiswadi, Goa, some unknown persons had murdered her brother, Vishal Golatkar, a resident of Voilem Bhat, Mercas, Tiswadi, Goa. The Police Station had received information from PCR Panaji that one person was lying near Menezes Factory, Mercas. When the police reached the spot, they found the person with multiple cut injuries to the head and other injuries all over his body. Accordingly, an FIR was registered and the matter was investigated. On investigation, the police arrested the Applicant and four other persons. The Applicant was arrested on 16th July 2023 and has been in custody since then. The statements of witnesses were recorded. There is a statement of one child in conflict with law. According to the prosecution case, the accused confessed to the commission of the offence. The Applicant gave a statement to the police, pursuant to which the



alleged weapon of assault was recovered. Hence, the charge sheet was filed against all the accused and the trial proceeded before the concerned Sessions Court.

5. Mr Arun Bras De Sa, learned counsel, appeared for the Applicant, and Mr Pravin Faldessai, learned Additional Public Prosecutor, represented the Respondents/State.

6. Mr Arun Bras De Sa submits that there is no material on record to remotely indicate the Applicant's involvement in the commission of the offence. He has taken me through the witnesses' depositions, whose statements are recorded by the Court. The child in conflict with the law has also been examined as a prosecution witness. From his deposition, it is clear that the witness has turned hostile, and nothing is elicited from his cross-examination. Apart from the witnesses' statements, Mr Arun Bras De Sa submits that there is no material on record indicating the Applicant's guilt. He also submits that the entire nature of the evidence against the Applicant is circumstantial. He further points out the orders passed by the Sessions Court enlarging the other four accused on bail, and he says that the prosecution's case is that all five of them had collectively committed the offence. On this premise, he submits that, on the doctrine of parity, the present Applicant also deserves



to be enlarged on bail. He thus prays that the application be allowed and the Applicant be enlarged on bail.

7. Per contra, Mr Pravin Faldessai, learned Additional Public Prosecutor representing the State, submits that the offence is serious in nature. All five accused were a gang and committed offences. The present Applicant also has antecedents pertaining to other bodily offence. He submits that there is a statement of disclosure leading to the recovery of a weapon of offence. However, he fairly admits that the FSL report indicates no fingerprints of the Applicant on the alleged weapon of assault. He further submits that the role of the Applicant is distinct from the role of the other accused and hence, the doctrine of parity does not apply to the Applicant. He prays that the application be rejected.

8. I have heard both the learned counsels for the respective parties and have perused the papers with their assistance.

9. *Prima facie*, there does not seem to be anything on record to indicate the complicity of the Applicant in the present offence. There are no fingerprints lifted from the murder weapon alleged to have been recovered at the behest of the Applicant. In any case, the Prosecution case is based on a collective act committed by all five accused together in assaulting the deceased and murdering him. The



other four accused are already enlarged on bail and I am inclined to apply the doctrine of parity to the case of the present Applicant as well. The role attributed to the present Applicant does not appear to be distinct from the role attributed to the other accused.

10. The Applicant has suffered incarceration since 2023 though his incarceration cannot be termed as a lengthy incarceration. The prosecution intends to examine as many as 40 witnesses out of which only four have been examined so far. It is unlikely that the trial would conclude in the near foreseeable future. In these circumstances, I am inclined to enlarge the Applicant on bail and it is ordered as under: -

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 50,000/- with one or two local sureties in the like amount, to the satisfaction of the concerned Sessions Court;

ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) The Applicant shall attend the Police Station as and when the Investigating Officer requires him so to do;



iv) If the Applicant holds a passport, he shall deposit the same with the Police Station concerned;

v) The Applicant shall not leave the State of Goa and India without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

11. Bail Application is allowed in the above terms and is accordingly disposed of.

12. It is made clear that the observations made herein are *prima facie* and are confined to this Application, and the learned Trial Judge is to



decide the case on its own merits, uninfluenced by the observations made
herein.

DR. NEELA GOKHALE, J