

CNR NO. GANG010006062026



Presented on : 09.03.2026

Registered on : 11.03.2026

Decided on : 01.04.2026

Duration: Days Months Years

21 -- --

**IN THE COURT OF THE ADDITIONAL SESSIONS
JUDGE-1, NORTH GOA, MAPUSA**

(Before: Ms. Dvijple V. Patkar, Additional Sessions Judge-1,
Mapusa - Goa)

Bail Application No.66/2026

Mr. Gaurav Luthra,
Son of Shri. Vijay Luthra,
About 44 years of age, Indian Citizen,
Businessman, having residence at 1523,
Outram Lane, Kingsway Camp,
New Delhi – 110009
Currently in Judicial Custody,

Colvale-Goa
Through wife,
Mehru Bajaj Luthra,
Aged 42 years, r/o 1523
Outram Lane, Lingsway Camp, G.T.B
Nagar, North-West Delhi-110009.

..... Applicant

Versus

The State of Goa through
1. Through Public Prosecutor

2. The Police Inspector
PS Anjuna, Goa.

..... Respondents

Applicant represented by Learned Senior Advocate Mr. S. Katak, with Learned Advocates Mr. Vaibhav Suri, Ms. S. Dessai and Ms. Neha Kholkar at the time of arguments.

Respondents represented by Learned Public Prosecutor Ms. J. Santamaria, with Learned Assistant Public Prosecutor Mr. H. Ghate at the time of arguments.

ORDER

(Delivered on this the 01st day of the month of April, of the year 2026)

1. This is the second application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, the BNSS) in Anjuna Police Station Crime No.154/2025 under Sections 105, 125, 125(a), 125(b) and 287 r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (in short, the BNS) and subsequently added Sections 338, 336(3), 340 (2), 238, 241, 3(7) and 61 (2) of

the BNS. The first Bail Application No.07/2026 was rejected by this Court vide an Order dated 12.02.2026.

2. In compliance with the directions of the Hon'ble Supreme Court in **Zeba Khan Vs State of UP and Ors, Criminal Appeal No.825 of 2026 [Arising Out of SLP (Crl.) No.12669 of 2025]: 2026 INSC 144** and the Circular dated 06.03.2026 bearing No. Insp-I/42/2026 issued by the Hon'ble Bombay High Court, the relevant particulars as available in the records are noted as under;

[A] CASE DETAILS

• FIR Number & Date :	Crime No.154/2025 dated 07.12.2025
• Police Station, District and State :	Anjuna Police Station, North Goa District, State of Goa.
• Section invoked :	105, 125, 125(a), 125(b), 287, 338, 336(3), 340 (2), 238, 241, 3(7) and 61 (2) r/w 3(5) of the BNS.
• Maximum punishment prescribed :	Life Imprisonment or 10 years

[B] CUSTODY & PROCEDURAL COMPLIANCE

• Date of Arrest :	16.12.2025
• Total period of custody undergone:	03 months, 16 days

[C] STATUS OF TRIAL

• Stage of proceedings (Investigation/Chargesheet/Cognizance/Framing of Charges/Trial) :	Charge sheet registered/cognizance
• Total number of witnesses cited in the chargesheet :	306
• Number of prosecution witnesses examined:	Nil

[D] CRIMINAL ANTECEDENTS

• FIR No. & Police Station :	(1) FIR No.154/2025 of Mapusa Police Station 2) Crime No.101/2022 of Anjuna Police Station
• Sections:	(1) 336(2), 336(3), 338, 340(2), 318(4) r/w 3 (5) of the BNS and (2) 63, 69 of the Copyright Act
• Status (Pending/Acquitted/Convicted)	(1) Pending investigation (2) Pending for framing of charge.

[E] PREVIOUS BAIL APPLICATIONS

• Court :	Court of Additional Sessions Judge-1, Mapusa, North Goa
• Case No.:	Bail Application No.7/2026
• Outcome of Case :	Rejected vide Order dated 12.02.2026.

[F] COERCIVE PROCESSES

• Whether any Non-Bailable Warrant was issued :	Yes
• Whether declared a proclaimed offender:	No.

CASE OF THE APPLICANT

3. The applicant is presently in Judicial Custody. The State has filed a charge sheet in the present FIR on 26.02.2026 after the rejection of the earlier bail application. It is settled law that the filing of a charge sheet amounts to a change in circumstances, which in turn enables the accused to renew his bail plea before the Court. The applicant was arrested in the FIR registered by Anjuna Police Station on 16.12.2025 and has been in custody since then.

4. The exact cause of the fire is still unknown to the respondent/State despite crystallization of the case by way of filing of the charge sheet. The investigation in the present case is complete, and the filing of a detailed charge sheet running into thousands of pages and having more than 300 witnesses demonstrates the same.

5. During the course of the investigation, there has been no allegation of tampering with a document or influencing any witness. In view of the filing of the charge sheet, the applicant may be released on bail, as any further custody would be punitive in nature and would directly impinge on the fundamental right of the applicant under Article 21 of the Constitution of India. Further, it has been time and again held that the bail to an individual ought not to be declined on the ground that the sentiments of society are against the accused.

CASE OF THE RESPONDENTS

6. The respondent no.2, who is the Investigating Officer (the IO), has filed a detailed reply objecting to the grant of bail. The respondent no.2 has stated that, considering the severity of punishment, the scale of the incident and the gravity of the offence, the applicant is not entitled to bail. The respondent no.2 has stated that granting bail in such a serious case would shake the confidence of society in the criminal justice system. The applicant had fled to Phuket, Thailand and was apprehended only after the issuance of a non-bailable warrant, proclamation and

blue corner notice and was later deported to India. The applicant tends to evade the process of law. There is a strong likelihood that the applicant would abscond again if released on bail.

7. The applicant completely disregarded the law and human life by fleeing from the Country. The applicant is the owner/partner of the establishment/nightclub 'Birch By Romeo Lane' and thus in a position of influence over the employees and other witnesses. There is a strong likelihood that the applicant may influence or threaten the prosecution witnesses. The scene of offence panchanama, forensic findings, statements of the witnesses, and the documentary evidence indicate the direct involvement and the responsibility of the applicant.

HEARING

8. Heard Ld. Senior Advocate Mr. S. Kantak for the applicant and Ld. PP Ms. J. Santamaria for the respondents.

9. I have perused the records and have considered the arguments advanced.

ARGUMENTS OF THE APPLICANT

10. Ld. Senior Advocate Mr. S. Kantak has submitted that the charge sheet is filed in the present matter and hence, the investigation qua the applicant is complete and all the material which the prosecution seeks to rely upon is placed before the Court. The filing of the charge sheet amounts to a change in the circumstances and therefore, the present second bail application is maintainable. The charge sheet does not indicate any direct role of the applicant in the commission of the alleged offences. Sections 105 Part II and 338 of the BNS do not apply to the applicant.

11. The co-accused Mr. Ajay Gupta has been released on bail by this Court. The prosecution/respondents have attributed identical roles to the accused no.1, Mr. Ajay Gupta and the applicant and his brother on the ground that they are the partners of the LLP which operated the Night Club. Once the co-accused to whom a role similar to that of the applicant is attributed in the charge sheet has been granted bail, the applicant is also entitled to bail on the principle of parity.

12. The earlier bail application was rejected at the stage of investigation. This Court has made observations in its earlier order that it is not inclined to grant bail at that stage of the investigation. The earlier bail application was rejected since the investigation was pending. The applicant can now be released on bail as the investigation has concluded and culminated in filing of the charge sheet. No purpose would be served by further detention of the applicant.

13. No specific role in the commission of any of the alleged offences has been attributed to the applicant in the charge sheet. The allegations are framed generically against the partners and the managers.

14. The applicant is not a flight risk, as his passport was suspended and he has deep roots in society and an established business in India. The detention pending trial should not be for punitive reasons. Since the charge sheet has been filed, the prosecution has to justify why it requires the applicant to be behind bars even after the filing of the charge sheet. Appropriate conditions would take care of the apprehensions of the prosecution.

The alleged offences are not heinous crimes attracting mandatory punishment of life imprisonment or death, as in the case of murder. The bail applications of Saurabh Luthra and Gaurav Luthra were previously rejected since the investigation was at the crucial stage. Now that the investigation is completed and the charge sheet is filed, the applicant may be released on bail on appropriate conditions.

15. Reliance is placed on the decisions of the Hon'ble Supreme Court in **Sanjay Chandra Vs Central Bureau of Investigation, (2012) 1 SCC 40, P. Chidambaram Vs Central Bureau of Investigation, (2020) 13 SCC 337: 2019 SCC OnLine SC 1380, Arvind Kejriwal Vs Central Bureau of Investigation, 2024 SCC OnLine SC 2550, Prabhakar Tewari V/s State of Uttar Pradesh and Anr., (2020) 11 SCC 648 and Maulvi Syed Shad Kazmi @ Mohd. Shad Vs The State of Uttar Pradesh, Petition for Special Leave to Appeal (Crl.) No.1059/2025** and the decision of the Hon'ble Bombay High Court in **Chetan Kisan Patil Vs State of Maharashtra, 2025 SCC OnLine Bom 2403.**

16. The object of bail is only to secure the appearance of the accused persons. Gravity of an offence cannot be the sole criterion to deny bail, especially since the charge sheet has been filed and the alleged offences are not heinous, such as murder or rape.

ARGUMENTS OF THE RESPONDENTS

17. Ld. PP Ms. J. Santamaria has submitted that although the charge sheet is filed, the applicant cannot be released on bail for various reasons. The applicant is responsible for the alleged incident. Ld. PP has further submitted that the material collected by the IO shows that the applicant was responsible for the overall control, compliance and performance of the Club. Section 105 of the BNS applies to the applicant. The applicant had fled the country. The applicant is a flight risk. The possibility of further investigation cannot be ruled out.

18. The considerations applied to the co-accused, Mr. Ajay Gupta, cannot be applied to the applicant, though the role of the applicant is similar to the role of the former. Parity cannot be the sole ground to release the applicant on bail.

19. The offences punishable under Sections 105 and 338 of the BNS are punishable with imprisonment up to 10 years or life imprisonment. The previous bail application of the applicant was rejected, observing that Section 105 of the BNS applies to the applicant. The applicant is not entitled to bail as the offences are grave in nature, resulting in the death of 25 innocent human lives. The material witnesses are the staff and the employees of the applicant, and there is a likelihood of the applicant evading trial.

20. Reliance is placed on the decisions of the Hon'ble Supreme Court in **Virupakshappa Gouda and Another Vs The State of Karnataka and Another, Criminal Appeal No.601 of 2017 (Arising out of S.L.P. (Crl.) No.8781 of 2016), State of Karnataka Vs Sri Darshan Etc., Criminal Appeal Nos.3528-3534 of 2025 (Arising from SLP (Crl.) Nos.516-522 of 2025), Manno Lal Jaiswal Vs The State of Uttar Pradesh and Anr, 2022 LiveLaw (SC) 88, Rahul Gupta Vs State of Rajasthan, Criminal Appeal Nos. 1343-44 of 2023 and Ashok Dhankad Vs State of NCT of Delhi and Anr, Criminal Appeal No.3495 of 2025** and of the Hon'ble Bombay High Court in **Mihir Rajesh**

**Shah Vs State of Maharashtra, Bail Application No.3589 of
2025: 2025:BHC-AS:50476.**

21. The filing of the charge sheet does not lessen the allegations against the applicant. Identical roles attributed to the applicant, his brother and the other partner Mr. Ajay Gupta cannot be the sole ground for the grant of bail. Reliance is placed on the decision of the Hon'ble Allahabad High Court in **Shahana-waj Vs State of UP, 2009 SCC OnLine ALL 593.**

ARGUMENTS IN REJOINDER

22. Parity may not be the sole ground to grant bail, but it is certainly one of the parameters for the grant of bail. It is not the case of any prosecution witness that any of the three partners of the LLP was directly involved in the incident. The decision of the Hon'ble Allahabad High Court is on the facts and circumstances of the case and therefore, cannot be made applicable here. The said decision indicates that if the previous bail order is bad in law, then the same ought not to be considered for the release of the co-accused on the ground of parity. The decisions cited by the Ld. PP are of heinous offences like murder and therefore ought

not to apply in the instant case. The decision in **Virupakshappa Gouda (supra)** concerns a case where the Hon'ble Supreme Court had declined bail even after the filing of the charge sheet, and in that circumstance, it was observed that the filing of the charge sheet is not a change in the circumstances.

QUESTION FOR CONSIDERATION

23. The question that arises for consideration is whether the applicant is entitled to bail.

REASONS

24. At the outset, it is imperative to advert to the settled principles laid down by the Hon'ble Supreme Court governing the grant or refusal of bail. The jurisprudential foundation remains that "bail is the rule and jail is the exception," and that an accused is cloaked with the presumption of innocence until proven guilty. This principle assumes greater significance once the charge-sheet has been filed and the matter is pending trial, where continued incarceration must be justified on compelling grounds.

25. The Hon'ble Supreme Court in **Sanjay Chandra**

(**supra**), observed thus,

“21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

24. In the instant case, we have already noticed that the “pointing finger of accusation” against the appellants is “the seriousness of the charge”. The offences alleged are economic offences which have resulted in loss to the State exchequer. Though, they contend that there is a possibility of the appellants tampering with the witnesses, they have not placed any material in support of the allegation. In our view, seriousness of the charge is, no doubt, one of the relevant considerations while considering bail applications but that is not the only test or the factor: the other factor that also requires to be taken note of is the punishment that could be imposed after trial and conviction, both under the Penal Code and the Prevention of Corruption Act. Otherwise, if the former is the only test, we would not be balancing the constitutional rights but rather “recalibrating the scales of justice”.

25. The provisions of CrPC confer discretionary jurisdiction on criminal courts to grant bail to the accused pending trial or in appeal against convictions; since the jurisdiction is discretionary, it has to be exercised with great care and caution by balancing the valuable right of liberty of an individual and the interest of the society in general. In our view, the reasoning adopted by the learned District Judge, which is affirmed by the High Court, in our opinion, is a denial of the whole basis of our system of law and normal rule of bail system. It transcends respect for the requirement that a man shall be considered innocent until he is found guilty. If such power is recognised, then it may lead to chaotic situation and would jeopardise the personal liberty of an individual.

27. This Court, time and again, has stated that bail is the rule and committal to jail an exception. It has also observed that refusal of bail is a restriction on the personal liberty of the individual guaranteed under Article 21 of the Constitution.

39., in determining whether to grant bail, both the seriousness of the charge and the severity of the punishment should be taken into consideration.

40. The grant or refusal to grant bail lies within the discretion of the court. The grant or denial is regulated, to a large extent, by the facts and circumstances of each particular case. But at the same time, right to bail is not to be denied merely because of the sentiments of the community against the accused. The primary purposes of bail in a criminal case are to relieve the accused of imprisonment, to relieve the State of the burden of keeping him, pending the trial, and at the same time, to keep the accused constructively in the custody of the court, whether before or after conviction, to assure that he will submit to the jurisdiction of the court and be in attendance thereon whenever his presence is required.

42. When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated. Every person, detained or arrested, is entitled to speedy trial, the question is: whether the same is possible in the present case.

43. There are seventeen accused persons. Statements of witnesses run to several hundred pages and the documents on which reliance is placed by the prosecution, are voluminous. The trial may take considerable time and it looks to us that the appellants, who are in jail, have to remain in jail longer than the period of detention, had they been convicted. It is not in the interest of justice that the accused should be in jail for an indefinite period. No doubt, the offence alleged against the appellants is a serious one in terms of alleged huge loss to the State exchequer, that, by itself, should not deter us from enlarging the appellants on bail when there is no serious contention of the respondent that the accused, if released on bail, would interfere with the trial or tamper with evidence. We do not see any good reason to detain the accused in custody, that too, after the completion of the investigation and filing of the charge-sheet.

46. At the same time, we cannot lose sight of the fact that the investigating agency has already completed investigation and the charge-sheet is already filed before the Special Judge, CBI, New

Delhi. Therefore, their presence in the custody may not be necessary for further investigation. We are of the view that the appellants are entitled to the grant of bail pending trial on stringent conditions in order to allay the apprehension expressed by CBI.”

26. In **Arvind Kejriwal (supra)**, the Hon’ble Supreme Court observed that;

“39. It was submitted during these proceedings that the FIR was registered on 17.08.2022, and since then, the charge sheet along with four supplementary chargesheets have been filed. The fourth supplementary chargesheet was filed as recently as 29.07.2024 and we are informed that the Trial Court has taken cognizance of the same. Additionally, seventeen accused persons have been named, 224 individuals have been identified as witnesses, and extensive documentation, both physical and digital, has been submitted. These factors suggest that the completion of the trial is unlikely to occur in the immediate future.

40. In our considered view, although the procedure for the Appellant’s arrest meets the requisite criteria for legality and compliance, continued incarceration for an extended period pending trial would infringe upon established legal principles and the Appellant’s right to liberty, traceable to Article 21 of our Constitution. The Appellant has been granted interim bail by this Court in the ED matter on 10.05.2024 and 12.07.2024, arising from the same set of facts. Additionally, several co-accused in both the CBI and ED matters have also been granted bail by the Trial Court, the High Court, and this Court in separate proceedings.

41. So far as the apprehension of the appellant influencing the outcome of the trial is concerned, it seems that all evidence and material relevant to the CBI’s disposition is already in their possession, negating the likelihood of tampering by the appellant. Similarly, given the Appellant’s position and his roots in the society, there seems to be no valid reason to entertain the apprehension of his fleeing the Country. In any case, in order to assuage the apprehensions of the CBI, we may impose stricter bail conditions. As regard to appellant indulging in influencing witnesses, it needs no emphasis that in the

event of any such instance, it will amount to misuse of the concession of bail and necessary consequences will follow.

43. It is true that generally the Trial Court should consider the prayer seeking bail once the chargesheet is filed, since the material that an Investigating Authority may have been able to procure would undoubtedly facilitate that Court to form a prima facie opinion with regard to (i) the gravity of offence; (ii) the degree of involvement of the applicant; (iii) the background and vulnerability of the witnesses; (iv) the approximate timeline for conclusion of the trial based on the number of witnesses; and (v) the societal impact of granting or denying bail. However, there can be no straitjacket formula which enumerates that every case concerning the consideration of bail should depend upon the filing of a chargesheet. In fact, each case ought to be assessed on its own merits, recognizing that no one-size fits all formula exists for determining bail.”

27. **In P. Chidambaram (supra)**, the Hon’ble Supreme Court observed thus;

“16. Expression of prima facie reasons for granting or refusing to grant bail is a requirement of law especially where such bail orders are appealable so as to indicate application of mind to the matter under consideration and the reasons for conclusion. Recording of reasons is necessary since the accused/prosecution/victim has every right to know the reasons for grant or refusal to grant bail. This will also help the appellate court to appreciate and consider the reasonings for grant or refusal to grant bail. But giving reasons for exercise of discretion in granting or refusing to grant bail is different from discussing the merits or demerits of the case. At the stage of granting bail, an elaborate examination of evidence and detailed reasons touching upon the merit of the case, which may prejudice the accused, should be avoided. Observing that “at the stage of granting bail, detailed examination of evidence and elaborate documentation of the merits of the case should be avoided”, in Niranjana Singh, it was held as under:-

“3.Detailed examination of the evidence and elaborate documentation of the merits should be avoided while passing orders on bail applications. No party should have the impression that his

case has been prejudiced. To be satisfied about a prima facie case is needed but it is not the same as an exhaustive exploration of the merits in the order itself.”

17. In the present case, in the impugned judgment, paras (51) to (70) relate to the findings on the merits of the prosecution case. As discussed earlier, at the stage of considering the application for bail, detailed examination of the merits of the prosecution case and the merits or demerits of the materials relied upon by the prosecution, should be avoided. It is therefore, made clear that the findings of the High Court in paras (51) to (70) be construed as expression of opinion only for the purpose of refusal to grant bail and the same shall not in any way influence the trial or other proceedings.

21. The jurisdiction to grant bail has to be exercised on the basis of the well-settled principles having regard to the facts and circumstances of each case. The following factors are to be taken into consideration while considering an application for bail:

(i) the nature of accusation and the severity of the punishment in the case of conviction and the nature of the materials relied upon by the prosecution;

(ii) reasonable apprehension of tampering with the witnesses or apprehension of threat to the complainant or the witnesses; (iii) reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; (iv) character, behaviour and standing of the accused and the circumstances which are peculiar to the accused; (v) larger interest of the public or the State and similar other considerations (vide Prahlad Singh Bhati v. State (NCT of Delhi) and another (2001) 4 SCC 280).

31., there is no material to show that the appellant or his men have been approaching the said witness so as to influence the witness not to depose against the appellant or his son.

32. It is to be pointed out that the respondent - CBI has filed remand applications seeking remand of the appellant on various dates viz. 22.08.2019, 26.08.2019, 30.08.2019, 02.09.2019, 05.09.2019 and 19.09.2019 etc. In these applications, there were no allegations that the appellant was trying to influence the witnesses and that any material witnesses (accused) have been approached not to disclose information about the appellant and his son. In the absence of any contemporaneous materials, no weight could be attached to the allegation that the appellant has been influencing the witnesses by approaching the witnesses. The conclusion of the learned Single

Judge “...that it cannot be ruled out that the petitioner will not influence the witnesses directly or indirectly.....” is not substantiated by any materials and is only a generalised apprehension and appears to be speculative. Mere averments that the appellant approached the witnesses and the assertion that the appellant would further pressurize the witnesses, without any material basis cannot be the reason to deny regular bail to the appellant; more so, when the appellant has been in custody for nearly two months, co-operated with the investigating agency and the charge sheet is also filed.

33. The appellant is not a “flight risk” and in view of the conditions imposed, there is no possibility of his abscondence from the trial. Statement of the prosecution that the appellant has influenced the witnesses and there is likelihood of his further influencing the witnesses cannot be the ground to deny bail to the appellant particularly, when there is no such whisper in the six remand applications filed by the prosecution. The charge sheet has been filed against the appellant and other co-accused on 18.10.2019. The appellant is in custody from 21.08.2019 for about two months. The co-accused were already granted bail. The appellant is said to be aged 74 years and is also said to be suffering from age related health problems. Considering the above factors and the facts and circumstances of the case, we are of the view that the appellant is entitled to be granted bail.”

28. **In Maulvi Syed Shad Kazmi @ Mohd. Shad (supra)**, the Hon’ble Supreme Court observed that the offence relating to conversion of the religion of the minor would attract maximum punishment upto 10 years and that the alleged offence is not that serious or grave like murder, dacoity, rape, etc. This decision underscores that ‘ordinarily once the trial commences, the Court should be loath in releasing the accused on bail, but it all

depends on the nature of the crime. Had it been a case of murder or any other serious offence we would have declined’.

29. On the touchstone of the aforesaid parameters, including the nature and gravity of the offence, the possibility of the accused absconding or tampering with evidence, the likelihood of influencing witnesses, and the overall interests of justice, the entitlement of the present applicant to be enlarged on bail falls for consideration and determination.

30. On the aspect of the nature and gravity of the offence, as well as the severity of the punishment prescribed, it is noted that, of the offences alleged, Sections 105 (Part II) and 338 are the only non-bailable provisions invoked. The maximum punishment prescribed under Section 105 Part II and Section 338 extends to imprisonment for ten years or life; however, no minimum sentence is mandated. The offences, therefore, do not fall within the category of the most heinous crimes, such as murder, where punishment may extend to death or mandatory life imprisonment. Further, culpable homicide not amounting to murder, where knowledge and not intention is attributed under Part II of

Section 105, is of a comparatively lesser degree than offences involving intention to cause death. The applicant is not accused of an offence of the gravest nature, such as murder, and the allegations, at the highest, do not attribute any intention to cause death.

31. The first bail application was filed at the stage of investigation and was rejected primarily on the ground that the investigation was pending. The present application has been filed after the charge-sheet was filed—the filing of the charge-sheet amounts to a change in the circumstances. Therefore, the instant bail application is maintainable.

32. The observations of this Court as to the applicability of Section 105 of the BNS to the applicant in the first bail Order were *prima facie* observations at the investigation stage. The charge sheet having been filed upon completion of the investigation, such an issue can be appropriately considered at the stage of framing the charges or during trial. It is well settled that, while adjudicating a bail application, the Court is not required to conduct a meticulous analysis of the merits of the case. Suffice it to observe that the alleged offences, in the facts of the present case,

do not appear so heinous as to warrant denial of bail solely on that ground.

33. As regards the likelihood of the applicant absconding, there is nothing on record to indicate that he is now a flight risk. On the contrary, the applicant has deep roots in India. It is stated that a Look Out Circular was already issued, and his passport was suspended. The suspension of the applicant's passport ensures that the applicant does not leave the Country. His presence at trial can thus be effectively secured.

34. There are no allegations that the applicant has threatened or influenced any witnesses during the course of the investigation. In any event, any such apprehension can be adequately addressed by imposing appropriate conditions. Similarly, there is no reasonable possibility of tampering with evidence, as the material evidence is largely documentary in nature and already secured with the investigating agency and/or before the Court and with forensic experts.

35. In view of the above, the well-established triple test, namely, the likelihood of the accused fleeing from justice, tam-

pering with evidence, or influencing witnesses, stands satisfied in favour of the applicant.

36. The prosecution has failed to demonstrate any compelling or cogent reasons warranting the continued and prolonged detention of the applicant. It is pertinent to note that there is no satisfactory response from the prosecution as to how the applicant's right to a speedy trial would be secured, particularly when the charge-sheet has already been filed, and the trial is yet to commence. In the absence of any assurance of expeditious proceedings, continued incarceration would be unjustified.

37. The role of the applicant in the commission of the alleged forgery or the applicability of the provisions of law can be considered at the time of framing of charges or trial.

38. The co-accused, Mr. Ajay Gupta has been released on bail. The applicant has sought his release on the grounds of parity. As regards granting bail to the applicant on the ground of parity, a useful reference can be made to the decision of the Hon'ble Bombay High Court in **Chetan Kisan Patil (supra)**, wherein the material in the form of a charge sheet indicating that

the applicant therein, along with the co-accused, was granted bail having been assigned a similar role was considered. The facts that the antecedents of both were common and there was no other factor to distinguish their roles or antecedents were considered, and the applicant was held entitled to the benefit of the doctrine of parity. In **Shahnawaz (supra)**, the Hon'ble Allahabad High Court considered the question whether the principle of parity could be the sole ground for granting bail. It was held that parity is not a sole ground for granting bail, emphasizing that where earlier bail orders were granted in violation of the settled principles, they cannot be used to compel similar orders. The observation of the Hon'ble Allahabad High Court that parity is not a sole ground for the grant of bail was with the qualification as noted above. There is no dispute that parity is not the sole ground for granting bail, but it is certainly one of the factors to be considered while deciding a bail application. In the instant case, there is no reason not to apply the doctrine of parity to the applicant when the role attributed by the prosecution to the applicant and the co-accused are identical.

39. The applicant has been in custody since 16.12.2025, i.e., for a period of more than three months. The charge sheet is filed, indicating the conclusion of the investigation. The prosecution has cited 306 witnesses. The case is at the initial stage. If the matter reaches the trial stage, the trial is likely to take considerable time. Continued incarceration would thus be punitive, which is legally impermissible.

40. Considering the prevailing docket explosion, the number of old cases, custody/undertrial prisoners' cases, direction matters and the nature of the proceedings, including the fact that the charge sheet is voluminous, running into more than 4000 pages, comprising several documents, citing 306 witnesses, including outstation witnesses and arraigning 13 accused, the trial is not likely to conclude in the near future. Prolonged incarceration of the applicant pending trial cannot be permitted.

41. Therefore, balancing the interest of society with the fundamental right to personal liberty of the applicant, this Court is of the view that the applicant deserves to be released on bail. The apprehension of the prosecution/respondents that the appli-

cant may tamper with the evidence or threaten the witnesses, or may not be available for trial, can be adequately addressed by imposing appropriate conditions.

42. The decisions in **Virupakshappa Gouda (supra)** and **Sri Darshan (supra)**, relied upon by the respondents in opposition to the grant of bail on the ground that a charge sheet has been filed, are rendered in cases of the heinous crime of murder. In **Virupakshappa Gouda (supra)**, the Hon'ble Supreme Court observed that;

“13. On a perusal of the order passed by the learned trial Judge, we find that he has been swayed by the factum that when a charge-sheet is filed it amounts to change of circumstance. Needless to say, filing of the charge-sheet does not in any manner lessen the allegations made by the prosecution. On the contrary, filing of the charge-sheet establishes that after due investigation the investigating agency, having found materials, has placed the charge-sheet for trial of the accused persons. As is further demonstrable, the learned trial Judge has remained absolutely oblivious of the fact that the appellants had moved the special leave petition before this Court for grant of bail and the same was not entertained. Be it noted, the second bail application was filed before the Principal Sessions Judge after filing of the charge-sheet which was challenged in the High Court and that had travelled to this Court. These facts, unfortunately, have not been taken note of by the learned trial Judge. He has been swayed by the observations made in Siddharam Satlingappa Mhetre (supra), especially in paragraph 86, the relevant part of which reads thus:-

“The courts considering the bail application should try to maintain fine balance between the societal interest vis-a-vis personal liberty while adhering to the fundamental principle of criminal jurispru-

dence that the accused is presumed to be innocent till he is found guilty by the competent court.”

14. A bail application cannot be allowed solely or exclusively on the ground that the fundamental principle of criminal jurisprudence is that the accused is presumed to be innocent till he is found guilty by the competent court.....

15. Be it noted, though the aforesaid passages have their relevance but the same cannot be made applicable in each and every case for grant of bail. In the said case, the accused-appellant was facing trial for the offences under Sections 420-B, 468, 471 and 109 of the IPC and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988. Thus, the factual matrix was quite different. That apart, it depends upon the nature of the crime and the manner in which it is committed. A bail application is not to be entertained on the basis of certain observations made in a different context. There has to be application of mind and appreciation of the factual score and understanding of the pronouncements in the field.”

43. In **Sri Darshan (supra)**, the Hon'ble Supreme Court observed that;

“20.4. Filing of charge sheet or lengthy list of witnesses does not justify grant of bail.

20.4.1. It is well settled that the mere filing of a charge sheet does not confer an indefeasible right to bail. Likewise, the mere prospect of a prolonged trial cannot by itself, outweigh the gravity of the offence, the incriminating material gathered during investigation, or the likelihood of tampering with witnesses.”

44. Prolonged incarceration of the applicant without the likelihood of an early conclusion of the trial would amount to pre-trial punishment. In these circumstances, continued custody of the applicant would serve no useful purpose, and his presence

during the trial can be secured by imposing appropriate conditions.

45. The present case is thus a fit one for the exercise of discretion in favour of the grant of bail.

46. Hence, the question for consideration is answered in the affirmative.

47. In the result, the application is granted. The applicant shall be released in Anjuna Police Station Crime No.154/2025 under Sections 105, 125, 125(a), 125(b) and 287 r/w 3(5) of the BNS and subsequently added Sections 338, 336(3), 340 (2), 238, 241, 3(7) and 61 (2) of the BNS, giving rise to the charge sheet registered as Criminal Case No.SCORS/32/2026 on execution of a personal bond of ₹50,000/- (Rupees Fifty Thousand Only) with one local surety in the like sum and on the following conditions:

- a) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing

such facts to the Court or to any Police Officer and/or shall not tamper with the evidence;

b) The applicant shall not leave India without the prior written permission of the Court;

c) The surety shall not have any criminal antecedents;

d) The applicant shall appear before the Court on every date of hearing unless exempted from appearing;

e) The applicant shall not indulge in commission of similar offences of which he has been accused;

f) The applicant, upon his release on bail, shall place on record of this Court the details of his contact number and residential address with documentary proof of the address.

In case of any change in the said details in future, the updated details shall be furnished to this Court.

g) The applicant shall provide one mobile number to this Court and the PI, Anjuna Police Station on which he can be contacted by the officers of Anjuna Police Station to

ascertain his whereabouts while he is on bail.

Pronounced in the open Court.

(Dvijple V. Patkar)
Addl. Sessions Judge-1,
North Goa, Mapusa

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North Goa Courts