



**CNR No. GANGo10016572024**  
**Criminal Misc. Appln. No. 206/2024**

**ORDER**

(Delivered on this the 26<sup>th</sup> day of the month of August, of the year, 2024).

This Order shall dispose off the application for Cancellation of Bail dated 16/8/2024 filed by PI Crime Branch Police station, Ribandar u/s 439(2) of CRPC.

2. I have heard oral arguments by Ld. P.P. Shri R. Dessai for the prosecution/applicant. He has argued that the Respondent has been concerned in crime no.7/2023 for having committed offences u/s 201, 203, 212, 120-B of IPC alongwith other accused, who are charged of committing offence u/s 279, 304, 337, 338 of IPC and section 134(a), 134(b) and 185 of the M.V. Act and Rule 6 of MVR 2017 registered with Mardol Police Station. Therefore, since the offence u/s 304 is exclusively triable by the Court of Sessions and secondly, the alleged violation of the Order granting conditional bail dated 4/9/2023 was passed by

predecessor of this court in CRMA 291/2023, the present application for cancellation of bail has been filed before the very same Court.

3. Ld. P.P. Shri R. Dessai has argued that by Order dated 8/11/2023, the permission was granted only to visit France. However, subsequently the Respondent has travelled to four other countries such as:- (a) Thailand (Bankok) from 25/1/2024 to 29/1/2024, (b) UAE (Dubai) from 7/3/2024 to 11/3/2024 and (c) Thailand(Bankok) from 18/4/2024 till 22/4/2024 (d) Hongkong from 18/5/2024 to 29/5/2024 without obtaining permission from the Court, in violation of the bail condition not to leave India. Ld. P.P. Further canvassed that the order dated 8/11/2023 was not a blanket order to travel abroad to any country without giving details of departure and arrival.

4. I have heard oral arguments advanced by Ld. Sr. Counsel Shri. N. Sardesai alongwith Ld. Advocate Shri. S. Sardesai for the Respondent, who has argued in line with

the reply. Ld. Sr. Counsel submitted across the bar that the Respondent admits that he has travelled abroad to four countries as specified in the application for cancellation of bail, however, denied that Respondent has breached any condition of the bail Order dated 4/9/2023, in view of permission granted by the Court by Order dated 8/11/2023.

5. Ld. Sr. Counsel has further argued that the application for cancellation of bail is politically motivated, since, the Respondent is the President of Aam Admi Party in Goa and has been vocal against the Government and the law and order situation prevailing in Goa. He has further argued that the order dated 8/11/2023 does not specify the name of any foreign country and therefore the permission to travel abroad is not restricted to any particular country.

6. Ld. Sr. Counsel further argued that in the application to travel abroad filed as CRMA 291/2023, it was mentioned that the applicant is a frequent traveler out of country for family leisure trips as well as for the purpose

of work, for consultations of clients and therefore the conditions contained in Order dated 4/9/2023 is affecting his livelihood. He has further argued that this application for cancellation of bail is aimed at tarnishing the image of the Respondent and has alleged that even before filing of this application, the information was leaked in the press and everybody knew about it. I have considered the rival contentions vis-a vis the records.

7. The Respondent was granted conditional bail vide Order dated 4/9/2023 passed in a Bail Application no.159/2023 with one of the conditions that he shall not leave India without permission of this Court.

8. Thereafter, the Respondent had filed CRMA 291/2023 before my Ld. Predecessor seeking permission to travel out of India and by Order dated 8/11/2023, the Court granted permission to applicant to travel abroad/out of India/country.

9. It is the contention of the prosecution that by Order dated 8/11/2023 passed in CRMA 291/2023, the Respondent was permitted to travel only to France, since, the Respondent had given the details of his departure and arrival alongwith the documentary proof on the ground that the said family holiday was booked prior to the Respondent being made accused in the crime no.7/2023 of Mardol Police Station and therefore the Order dated 8/11/2023 has to be read strictly permitting the Respondent to leave India to visit the country France Only.

10. Per Contra, the respondent has contended that in the CRMA 291/2023 though he had given the details of his pre-booked holiday to France, but the title and the prayer was not restricted to seek permission only to visit France but to travel out of country and the said prayer has been granted by Order dated 8/11/2023 without specifying the name of the country and therefore he was permitted to travel anywhere outside India and that has to be read in the same sense and spirit. Thereby, the Respondent has

vehemently denied the allegation that he has violated said condition of the bail.

11. The Advocate for Respondent has confirmed that after the Order dated 8/11/2023, the Respondent has visited France with family and thereafter visited (a) Thailand (Bankok) from 25/1/2024 to 29/1/2024, (b) UAE (Dubai) from 7/3/2024 to 11/3/2024 and (c) Thailand(Bankok) from 18/4/2024 till 22/4/20204 (d) Hongkong from 18/5/2024 to 29/5/2024.

12. It is an admitted position that there is an allegation against the applicant for committing offence u/s 201, 203, 212 and 120-B of IPC in crime no.7/2023 of Mardol Police station. In the bail order there is a specific condition that the applicant shall not leave India without the permission of the Court, so that, the court would be aware about his whereabouts in the foreign country, so also, the date of his departure and arrival and would be able to monitor it having granted conditional bail. That apart, the investigating agency would be also aware of the

whereabouts of the Respondent, which is a prosecuting agency.

13. In the CRMA 291/2023 the Respondent gave the details of his travel plan to France supported by his affidavit and documentary evidence and as the Court was satisfied permission was granted.

14. The Respondent has stressed much on the nomenclature and the prayer part of the application without much emphasis on the contents of the application. Actually, the prayer and the title of the application are always result of the contents of the application. The Respondent had given the details of his pre-booked holiday to France and therefore the prayer has to be read in that context.

15. The Respondent has stated in said CRMA 291/2023 that “The applicant shall make himself available for investigation and trial as and when required and shall not flee from the jurisdiction of the Court and returned

ticket of the trip is annexed hereto alongwith that of family”. The said contents clearly show that the permission was sought to travel to France and though the prayer does not make mention of the specific foreign country i.e France, but, in view of the contents of the application in para nos.3 and 4 the Respondent’s prayer to travel has to be treated and understood to have been restricted to going to France and therefore the order dated 08.11.2023 is also to be limited to that extent.

16. If the said condition in the bail order was affecting the livelihood of the Respondent, then other legal remedies were available to him to get the condition modified or to challenge it, but the Respondent has not adhered to any of the said remedies.

17. The Respondent has not come out clearly in the CRMA 291/2023 asking for permission to travel to whichever country he wants in connection with his profession or leisure. Therefore, said prayer cannot be stretched to mean that it gave unrestricted right to



Respondent to travel abroad to any country without prior permission from the court. The ambiguous prayer in the application is only an example of a clever and a witty drafting skills and nothing else, aimed only to bypass the condition imposed in the bail application.

18. The investigating officer had filed reply in CRMA 291/2023 leaving the matter to the discretion of the Court. It appears that said reply was filed believing that the prayer in the application is only to travel to France, supported by the required travel documents and affidavit. Therefore, said reply cannot be read against prosecution.

19. It is also necessary to be kept in mind that if the Respondent had to ask for a blanket order to leave India without giving any details of departure, arrival and period of stay and purpose of visit whether the court would have entertained such an application? The answer would be in the negative. Even for that matter in CRMA 291 /2023, if the details of the France visit were not given, had the court granted such permission?, the answer would be in negative,

as it would have been totally contrary to the intention in which conditional bail was granted. Therefore, by visiting foreign countries like (a) Thailand (Bankok) from 25/1/2024 to 29/1/2024, (b) UAE (Dubai) from 7/3/2024 to 11//3/2024 and (c) Thailand(Bankok) from 18/4/2024 till 22/4/20204 (d) Hongkong from 18/5/2024 to 29/5/2024, without prior permission from the court, the Respondent has violated said bail condition that he shall not leave India without the permission of the Court. Hence, the following order is passed:-

**ORDER**

The application for cancellation of bail dated 16/8/2024 filed u/s 439(2) of CRPC is granted.

Proceeding stands closed.

**(Apurva R. Nagvenkar)**  
Additional Sessions Judge,  
Panaji Sitting at Ponda

Ponda  
Dated :26/8/2024  
Sf\*