Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO.46 OF 2026

NILESH GAJANAN DESAI (PRESENTLY LODGED IN COLVALE CENTRAL JAIL) ... APPLICANT

Versus

THE STATE OF GOA THR THE PUBLIC PROSECUTOR AND 2 ORS ... RESPONDENTS

Mr. Sangram Desai, Advocate with Mr. Bhargav Samant, Advocate for the Applicant.
Ms. Swati Kamat Wagh, Additional Public Prosecutor with Ms. Shibani Singh, Advocate for Respondent Nos.1 and 2.
Ms. Vahida Yelgar, Advocate for Respondent No. 3-U/LAS.

CORAM:- ASHWIN D. BHOBE, J.

DATED :- 19th October, 2026

P.C.

1. Heard Mr. Desai, learned Counsel appearing for the Applicant, Ms. Swati Kamat Wagh, learned Additional Public Prosecutor appearing for the Respondent Nos. 1 and 2 and Ms. Yelgar, learned Counsel appearing for Respondent no. 3 (victim).

2. By this application filed under Section 483 of Cr.P.C., the Applicant seeks regular bail in connection with offences punishable under Sections 124(1) and 109 of Bharatiya Nagarik Suraksha Sanhita, 2023 and Section 8(2) of Goa Children's Act, 2005.

3. Ms. Swati Kamat Wagh, learned Additional Public Prosecutor appearing for the State, on instructions from the Investigating Officer, submits that the prosecution proposes to examine the victim and three other material witnesses within a stipulated time. She submits that the prosecution shall endeavour to complete the examination of the said witnesses before the Trial Court within a period of three months from the next date of hearing fixed in Special Case No. 88 of 2025. Ms. Wagh, learned Additional Public Prosecutor, states that the other prosecution witnesses will be examined after the above-referred four main witnesses.

4. Based on the said statement made by Ms. Swati Kamat Wagh, Mr. Sangram Desai, learned Counsel, on instructions, seeks leave to withdraw the present bail application with liberty to file fresh bail application before the Trial Court upon examination of the victim and the three other main witnesses which the prosecution intends to examine.

5. Ms. Yelgar, learned Counsel appearing for Respondent no. 3, does not oppose the said request made by Mr. Sangra, Desai, learned Advocate for the Applicant.

6. In view of the statement made by Mr. Desai, learned Counsel leave to withdraw this bail application, with liberty to file a fresh bail application upon examination of the four main witnesses (i.e.

victim and the three other witnesses) is granted.

7. Mr. Sangram Desai, learned Advocate for the Applicant, states that the Applicant shall cooperate with the Trial Court in recording the evidence of the witnesses.

8. In the event the Applicant files a fresh bail application before the Trial Court after the examination of the four witnesses referred to by Ms Swati Kamat Wagh, learned Additional Public Prosecutor, same be considered on its own merits and in accordance with law.

9. CRMAB No. 46 of 2026 is disposed of in the above terms.

ASHWIN D. BHOBE, J.

Signed by: ANDREZA PEREIRA
Designation: Senior Private Secretary
to the Hon'ble Judge
Date: 19/10/2026 18:20:19