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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.241 OF 2016
(THROUGH JAIL)**

Christian Onyebuchi Nzeakor	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Kalpesh Patil, for the Applicant

Ms.Rebecca Gonsalves, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
DATE : 4th MAY, 2016***

P.C. :

1. By this application filed by the applicant through Jail, the applicant seeks deduction of the amount of cash bail.
2. Learned Counsel for the applicant submits that the applicant is languishing in the jail, since January 2014, as he has not been able to furnish the bail amount as directed by the Special Court.
3. Ms.Gonsalves submitted that the initially the applicant was

enlarged on bail on executing P.R.Bond of Rs.1,50,000/- with one or two solvent sureties in the like amount on certain conditions. She submitted that subsequently, the applicant again filed an application before the learned Special Judge and sought his enlargement on bail by furnishing cash bail. She submitted that vide order dated 16th December, 2014, the application was allowed and the applicant was released on depositing the cash security of Rs.1,50,000/-. She further submitted that the Special Court was also pleased to do away with the condition of giving an undertaking of furnishing a letter from the concerned High Commission of Nigeria, that he shall not leave India. She submitted that the case could not proceed as the accused who are enlarged on bail, are not appearing before the learned Special Judge. She submitted that the applicant can prefer an application, seeking modification or reduction of the condition of the cash bail, before the appropriate Court i.e. the learned Special Judge.

4. Considering that the applicant has been languishing in jail since January, 2014, the applicant is granted liberty to move an appropriate application before the learned Special Judge for reduction of the cash bail amount. If such an application is filed by the applicant, the learned Special

Judge shall decide the same on its own merits, in accordance with law.

5. Application is accordingly disposed of.
6. A copy of the said order also be forwarded to the applicant, who is lodged in Taloja Central Prison, Navi Mumbai.

REVATI MOHITE DERE, J.