

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

CRIMINAL APPLICATION NO.545 OF 2016

Eaje Samuel Nyuze	... Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr.Ayaz Khan for the Applicant
Mr.Rutuja Ambekar, APP, for Respondent – State

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: FEBRUARY 9, 2017**

P.C. :

1. This application is moved for clarification / modification of condition Nos. (4) and (6) in the operative portion of the order dated 4.8.2016 passed by the learned Additional Sessions Judge, Pune in Bail Application No.1657 of 2016 wherein the applicant/accused is prosecuted for the offence punishable under section 8(c), 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act and under section 489B of the Indian Penal Code in C.R. No.3043 of 2016 registered at Khadak Police Station.
2. The learned Counsel for the applicant submits that the applicant is a foreign national and he does not have any relative and, therefore, he cannot comply with the clause (4) of the operative portion of the order.

3. Learned Prosecutor has opposed the application as the applicant is a foreign national and he will not be available for trial.

4. Clauses 4 and 6 of the operative portion of the order dated 4.8.2016 passed by the learned Sessions Judge, Pune reads thus:

“(4) He shall furnish proof of his residential address as well as the land-line phone/cell Nos of his two nearest relatives.

(6) He shall produce the certificate of assurance from Embassy/High Commission of Nigeria that he shall not leave India and shall appear before this Court as and when required. Filing of such certificate is condition precedent for his release on bail.”

5. Clause (4) is clarified to be read as under:

“He shall furnish proof of his residential address as well as the land-line phone/cell Nos. of his two nearest relatives in Nigeria”.

6. Clause No.6, asking for certificate of assurance from the Embassy/High Commission of Nigeria, is cancelled.

7. All other clauses of the operative order dated 4.8.2016 are maintained and the modified operative order is reproduced as under:

“(1) Cri.Bail Application No.1657/2016 is allowed.

(2) The accused Eaje Samuel Nyuze involved in Cr.No.3043/2016 registered at Khadak Police Station, Pune for the offence under Section 8(c) punishable under Sections 22 & 29 of the N.D.P.S. Act and section 489-B of I.P.C., shall be released on bail on furnishing P.R. Bond of Rs.2,00,000/- (Rs.Two lakhs only) with one or two sureties in the like amount.

(3) He shall attend Khadak police station, Pune once in a week i.e. on every Monday between 11.00 a.m. to 2.00 p.m. till filing of the charge-sheet and co-operate the Investigation Officer in the matter investigation.

(4) **He shall furnish proof of his residential address as well as the land-line phone/cell Nos. of his two nearest relatives in Nigeria.**

(5) He shall not tamper with the evidence in any manner.

(6) Cancelled

(7) His Passport shall be impounded and accordingly the Embassy/High Commission of Nigeria shall be informed about that.”

8. In the circumstances of the case, the learned trial Judge to endeavour to expedite and conclude the trial within eight months from today.

9. Application is disposed of accordingly.

10. Registrar (Judicial II) to communicate this order to the Embassy/High Commission of Nigeria at Delhi.

(MRIDULA BHATKAR, J.)