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

CRIMINAL APPLICATION NO.19 OF 2018

Julius Anthony Onyekachukwu	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.S.S.Bhandary, for the Applicant.

Ms.J.S.Lohokare, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 21st MARCH, 2018

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the Applicant seeks relaxation of the condition imposed by the learned District Judge-4 and Additional Sessions Judge, Thane, vide order dated 26th September, 2017, below Exhibit – 2 in N.D.P.S. Special Case No.72 of 2017.
3. The condition of which relaxation is sought, reads thus:-

“4.

3. Applicant/accused shall furnish his photo identity proof and address proof as well as photo identity proof and address proof of his two close relatives.”

4. Learned Counsel for the applicant submits that the applicant is a Nigerian National and it is not possible for him to comply with the aforesaid condition. He submitted that there is also no question of the applicant giving photo identity proof and address proof of his two close relatives, considering the fact that the applicant is a Nigerian National. He submitted that because of the said condition imposed by the learned District Judge-4 and Additional Sessions Judge, Thane, whilst enlarging the applicant on bail, the applicant has been languishing in jail, as he is unable to comply with the said condition. He, therefore, prays that the aforesaid condition be modified/relaxed. He submitted that the applicant's passport is already with the authorities. He further states that the applicant will not leave Mumbai and Thane, without the permission of the trial Court. Statements accepted.

5. Learned APP has no objection if the said condition is relaxed.

6. The condition imposed by the learned District Judge-4 and Additional Sessions Judge, Thane, in clause 3 of para 4 is virtually impossible to comply, considering the fact that the applicant is a Nigerian National.

7. Considering the aforesaid, the application is allowed and the condition set out in clause 3 of para 4, imposed by the learned District Judge-4 and Additional Sessions Judge, Thane, vide order dated 26th September, 2017, stands relaxed completely.

8. In addition to the conditions imposed by the learned District Judge-4 and Additional Sessions Judge, Thane, vide order dated 26th September, 2017, the applicant, however, shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing,

within 15 days of his release. The applicant shall also not leave Mumbai and Thane City, without the permission of the trial Court. Since it is informed that the applicant's passport is with the authorities, no separate condition is required to be imposed on the applicant. Rest of the conditions imposed vide order dated 26th September, 2017, to remain as it is.

9. The Application is allowed and disposed of in above terms.
10. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)