

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO. 70 OF 2020

MAXIM MOISEEV, PRESENTLY LODGED AT

CENTRAL COLVALE JAIL, COLVALE ... Petitioner

Versus

STATE, THR. ANC PS, GOA POLICE

HEAD QUARTERS, PANAJI AND ANR ... Respondents

Shri T. George John, Advocate for the petitioner.

Shri Gaurish Nagvenker, Additional Public Prosecutor for the respondent - State.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 9th March, 2020

P.C.:

Heard Shri T. George John, learned Advocate for the petitioner and Shri Gaurish Nagvenker, learned Additional Public Prosecutor for the respondent - State.

2. It was the contention of Shri T. George John, learned Advocate for the petitioner that the applicant was ordered to be enlarged on bail pursuant to the order of bail dated 04/12/2018 imposing certain conditions. One of them was to furnish two solvent sureties in the amount of ₹25,000/-

(Rupees Twenty Five Thousand only) each. The applicant had sought for the modification of the said order to reduce the quantum of the bail amount and also the number of the sureties and accordingly, it was granted by the order dated 16/07/2019. However, despite furnishing the surety on 30/10/2019, no order has been passed by the learned Additional Sessions Judge, Mapusa of accepting the surety.

3. It is apparent that the applicant has been ordered to be enlarged on bail and subsequently by the order dated 16/07/2019, the condition of the bail order has been modified to impose one surety in the sum of ₹25,000/- (Rupees Twenty Five Thousand only). Pursuant to the said order, the applicant had furnished the surety before the learned Additional Sessions Judge, Mapusa but which for some inexplicable reason has not accepted the surety despite having modified the condition of the bail. The conduct of the learned Additional Session Judge is not at all reasonable looking to the order so passed by the learned Judge. In view thereof, the learned Additional Sessions

Judge is directed to accept the surety and release the applicant on bail as earlier ordered by her.

4. In these terms the petition stands disposed off.

5. The parties to act on the basis of the authenticated copy of this order.

NUTAN D. SARDESSAI, J.

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