

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 307 OF 2019

IN

CRIMINAL APPLICATION (BAIL) NO. 33 OF 2018

ARUN BABU SIGALA

... Applicant

Versus

STATE, AS REP. OFFICER IN CHARGE,
ANC POLICE STATION, MAPUSA AND
ANR.

... Respondents

Ms. C. Collasso, Advocate for the applicant.

Shri S.R. Rivankar, Public Prosecutor for the respondents.

Coram:- NUTAN D. SARDESSAI, J.

Date :- 6th January, 2020

P.C.:

Heard Ms. C. Collasso, learned Advocate for the applicant who submitted that the applicant was allegedly found in possession of two kilos of Ganja during the course of his arrest by the Officer of the ANC PS and he had been secured by an order of bail. The matter is pending before the Trial Court at the stage of argument before charge since the last more than two years. She accordingly prays that the application be allowed modifying the terms of the bail conditions and he be permitted

to travel overseas with an assurance that he will ensure his presence whenever he is called upon to face the trial. Besides, he will not dispute his identity nor the conduct of the trial before the Trial Court.

2. Shri S.R. Rivankar, learned Public Prosecutor on behalf of the State submitted that stringent conditions be imposed as there is every likelihood that the applicant might not return in case the term of his release on bail is modified permitting him to travel overseas. Additional security in addition to that furnished by him be imposed to ensure his presence to face the trial before Trial court.

3. It is not in dispute that the Trial Court is seized with the trial of several undertrials who are in custody and thereof it is obvious that the applicant would not get priority in his matter being heard out of turn, as he is on bail. The applicant has otherwise to furnish all his particulars including his detailed address in Bahrain, UAE and assures otherwise to ensure his presence before the Trial Court whenever his presence is required before the Court and as he does not have any means of

sustenance in this country. Looking to the tenor of the condition on which the bail has been granted in his favour, the condition of bail is modified whereby he is permitted to travel overseas after giving details of his travel itinerary to the respondent Police Station and on an assurance that he will return to India whenever his presence is required to face the trial as the case may be on framing of charge. The applicant to furnish an additional security in the amount of ₹1,00,000/- (Rupees One Lakh only) alongwith one local surety in the co-extensive amount to the satisfaction of the learned Special Court NDPS, Panaji. The applicant shall also give details of his travel plans to the respondent who shall have ample opportunity in the meantime to cross check his address in Bahrain UAE.

4. In these terms, the application stands disposed off. Without prejudice this order shall come into operation only after the learned Trial Court decides on the case whether charge is required to be framed against him or otherwise and thereafter his plea being recorded if the Trial Court came to a finding that the charge is required to be framed against him.

5. The application stands disposed off.

NUTAN D. SARDESSAI, J.

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