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**IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION BAIL NO. 66 OF 2021.**

*ALAMIN, PRESENTLY LODGED IN
JUDICIAL CUSTODY AT CENTRAL
JAIL COLVALE*

... Applicant.

Versus

*STATE OF GOA, THR. PUBLIC
PROSECUTOR AND ANR*

... Respondents.

Mr. V. Amonkar, Advocate *for the Applicant.*

Mr. S. G. Bhobe, Public Prosecutor *for the respondents.*

CORAM: MANISH PITALE, J.

DATED: 16th September, 2021.

P.C.:

- 1.** The applicant has approached this Court seeking modification of some conditions imposed upon him by the Additional Sessions Judge, Mapusa while granting him bail by order dated 6.11.2020.
- 2.** The applicant is accused of having committed offence under Section 20(b)(ii)(B) of the Narcotics Drugs and Psychotropic Substances Act, 1985.
- 3.** The conditions imposed upon the applicant in the aforesaid order read as follows:-

*“9. Hence considering the circumstances the
accused can be released on bail on the
following conditions:*

- 1) *The accused shall be released on his furnishing personal bond and surety for an amount of Rs.75,000/-(Rupees seventy five thousand only) with proof of address of the surety.*
- 2) *The accused shall furnish his native address and residence in Goa with address proofs. The I.O. To verify the address and produce the report of verification before this Court.*
- 3) *The accused shall appear before the Court as and when required by the Court and on all dates fixed for hearing during trial.*
- 4) *The accused shall not leave the State of Goa without the prior written permission of the Court.”*

4. Th applicant moved the aforesaid Court for modification of some of the aforesaid conditions. It was contended that the applicant was finding it difficult to furnish personal bond and surety of ₹75,000/-(Rupees seventy five thousand only) and that that he could do so for an amount of ₹25,000/-(Rupees twenty five thousand only). It is further contended that although the applicant had placed on record copy of Aadhar card showing his native address, condition regarding verification of such address was difficult to abide by, because it appears that none of his relatives stay at the native address. As regards local address at Goa, the applicant had furnished copy of the leave and licence agreement for a period of 11 months, pertaining to a house situated in Colvale, North Goa, which the applicant submitted could be taken as a proof of local address.

5. By order dated 3.8.2021, the aforesaid Court dismissed the application seeking modification of the conditions as a result of which the applicant has continued in custody.

6. Mr. Amonkar, learned Counsel for the applicant in support of the present application submitted that the Court below erred in dismissing the application for the reason that the applicant was ready to renew the leave and licence agreement. It was further submitted that the applicant was ready to abide by further conditions that this Court may impose, but modification of the conditions was necessary in the peculiar facts and circumstances of the present case.

7. Mr. S. G. Bhobe, learned Public Prosecutor took instructions in the matter and submitted that it was necessary for the applicant to furnish his contact number/mobile number and appropriate conditions ought to be imposed to ensure that the applicant does not abscond.

8. Perused above quoted conditions and perused the order dismissing the application for modification of conditions.

9. This Court is of the opinion that when the applicant has submitted copy of Aadhar card showing his native address, further condition for verification of the address by Investigating Agency is unnecessary, particularly in the backdrop of the fact that the applicant cannot leave the State of Goa without prior written permission of the trial Court. In respect of the modification of the condition for reducing amount towards personal bond and surety from 75,000/- to 25,000/-, this Court is of the opinion that in the interest of justice such modification

could be granted. In so far as local surety is concerned and furnishing of leave and licence agreement, this Court is of the opinion that the Court of Additional Sessions Judge took a rather strict view of the matter by holding that the agreement showing the local address of the applicant was purely temporary in nature and that the applicant would have to vacate the premises upon the term of the agreement expiring. Therefore, this Court is inclined to allow the present application. The applicant shall be released on bail on the following modified conditions:-

O R D E R

- (i) The applicant is directed to be released on bail upon his furnishing PR bond of ₹25,000/-(Rupees twenty five thousand only) and with a proof of surety in the like amount before the trial Court.
- (ii) The submission of the copy of Aadhar Card as a proof of native address shall be accepted by the trial Court as sufficient compliance. Accordingly, verification of the native address would not be necessary.
- (iii) The applicant shall place on record copy of the leave and licence agreement already executed as proof of local address.
- (iv) The applicant shall furnish undertaking to place on record of the trial Court for renewal of such leave and licence agreement or any other leave and licence agreement in respect of the premises within State of Goa.

(v) The applicant shall give details of his mobile number/contact number before the trial Court.

(vi) The conditions no. 3 and 4 specified in paragraph 9 of the order dated 6.11.2021 passed by the learned Additional Sessions Judge shall continue to operate.

10. The application stands disposed of in aforesaid terms.

MANISH PITALE, J.

VINITA VIKAS NAIK Digitally signed by VINITA VIKAS NAIK
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