

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 77 OF 2023
IN
STAMP NUMBER MAIN NO. 1043 OF 2020 (F)

Ankit Kumar Jain, Presently lodged at
Colvale, Thr. Next Friend Synthia ... Applicant
Durbhatkar

Versus

State of Goa & anr.

...Respondents

Mr. A. D. Bhobe, Advocate with Ms. Shaizeen Shaikh,
Advocate for the Applicant.

Mr. Siddharth Samant, Special Public Prosecutor for
Respondents-State

CORAM: PRAKASH D. NAIK, J
DATED: 25th OCTOBER, 2023

ORDER

1. This is an application in respect to Order dated 20.04.2020 passed in Stamp Number Main No. 1043/2020 seeking discharge of surety furnished by the Applicant in terms of condition no. 10 of the said Order.
2. The Applicant was arrested in connection with the proceedings initiated under the PMLA, which was subsequently registered as PMLA no. 1 of 2021. The Applicant contends that he was in custody for a period of about 45 days and subsequently vide Order dated 20.04.2020 passed by this Court in Stamp Number Main (Filing) No.

1043/2020, the Applicant was enlarged on bail on executing bail bond of Rs.15,00,000/- and furnishing one local surety in co-extensive amount to the satisfaction of the learned Special Judge, Mapusa. The Order also stipulates conditions like depositing the passport in the Court forthwith, cooperating with the investigation, not to influence the witnesses or hamper the course of the trial, not to leave the State of Goa and the territorial borders of India without the prior written permission of the learned Special Judge and to appear on every hearing of the trial when the same commences before the trial Court.

3. On completing investigation, chargesheet was filed before the Special Court under the PML Act. While taking cognizance of the chargesheet, learned Special Judge vide Order dated 02.12.2021 directed that the Applicant shall furnish bail bond of Rs.1,00,000/- with one surety of like-amount.

4. Learned Advocate for the Applicant Mr. Bhobe, submitted that the Applicant was released on bail in accordance with Order dated 20.04.2020 on executing bail bond as stipulated in the said Order. The Applicant had also complied with the directions of the Special Court Order dated 02.12.2021 and executed another surety bond in the sum of Rs.1,00,000/-. In the light of execution of subsequent bail bond, the surety which has been executed in accordance with Order

dated 20.04.2020 in the sum of Rs. 15,00,000/- may be discharged. The Applicant has no objection if the conditions stipulated in Order dated 20.04.2020 are imposed upon the Applicant till the conclusion of trial.

5. Learned Advocate for the Respondent submitted that the Applicant was involved in the proceedings under the PMLA Act. Certain stringent conditions were imposed while granting bail to the Applicant vide Order dated 20.04.2020. The Applicant has deposited the passport in compliance with the said condition.

6. It is pertinent to note that the Applicant was in custody in connection with the said case for a period of about 45 days and was granted bail vide Order dated 20.04.2020. The Applicant had availed the said bail facility and was released from custody. Subsequently, the Applicant was again directed to execute bail bond in the sum of Rs.1,00,000/-, which has been executed by the Applicant.

7. There is no impediment in discharging the surety furnished in the sum of Rs.15,00,000/- as stipulated in Order dated 20.04.2020 since surety bond is executed in accordance with the subsequent order dated 02.12.2021. The Applicant need not be asked to furnish two bail bonds. However, since the first Order dated 20.04.2020 contains certain conditions, the same shall be continued.

ORDER

(i) Criminal Misc. Application no. 77 of 2023 is allowed.

(ii) The surety bond stipulated in the Order dated 20.04.2020 passed by this Court in Stamp Number Main No. 1043 of 2020 (F), whereby the Applicant has executed the surety bond of Rs.15,00,000/-, is discharged.

(iii) The conditions stipulated in Order dated 20.04.2020 in clauses no. 2, 3 and 4, shall continue till conclusion of trial.

(iv) Application stands disposed of.

(PRAKASH D.NAIK, J.)

ANDREZA PEREIRA

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PEREIRA
Date: 2023.10.25 18:28:38 +05'30'