

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 64 OF 2023

Edward Joseph Ideh ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Advait Tamhankar alongwith Mr. Shivraj Pawar instructed by Mr. Taraq Sayed for the Applicant.

Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 26 APRIL 2023

P.C. :-

1. The applicant is an accused in Crime No.869 of 2021 registered at Islampur Police Station, for the offences punishable under Sections 8(c), 16, 21, 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 14 of the Foreigners Act, 1946.

2. The Sessions Court by order dated 13 June 2022 had allowed the application filed by the applicant for regular bail. The operative part of the said order reads thus :

"1] The application is allowed.

2] The applicant shall be released on bail on furnishing P.B. and S.B. of Rs.10,00,000/- (Rupees Ten Lac only) with one solvent surety in the like amount, in aforesaid crime, on

the following conditions ;

- i) Applicant shall not tamper the prosecution evidence in any manner and shall not threaten the informant and witnesses.*
- (ii) Applicant shall submit his and his three close relatives authentic permanent residential address and local address of their stay in India duly verified by Nigerian Embassy along with mobile number.*
- (iii) Applicant shall not involve in any cognizable offence.*
- (iv) Applicant shall attend the court dates punctually.*
- (v) Applicant shall also attend before the concerned police station i.e. Islampur Police Station on every first Sunday of the month for next one year or till framing of charge whichever is earlier.*
- (vi) Applicant accused shall produce the undertaking from Nigerian Embassy that, they will secure the presence of applicant/accused for the trial.”*

3. The learned Counsel for the applicant submits that the applicant is a Nigerian national. It is submitted that though the Sessions Court is pleased to grant the bail, however, the bail conditions are onerous and the applicant is unable to comply with the bail conditions. The learned Counsel for the applicant submits that this Court in similar circumstances modified the conditions and in support of it, has placed reliance on the order passed by this Court dated 11 August 2020 in LD/VC/DIST/CRI/APPLN/5/2020.

4. I have perused the order passed by this Court dated 11 August 2020 in LD/VC/DIST/CRI/APPLN/5/2020. In the said matter also similar bail conditions were imposed by the Sessions Court and this Court was constrained to modify the conditions in relation to bail amount and

undertaking from Embassy. Considering the overall circumstances, the order of the Sessions Court is substituted by following order :

- (i) The applicant shall be released on bail on furnishing P.R. bond in the sum of Rs.1,00,000/- with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police station once in a month i.e., on first Sunday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.
- (iii) The applicant shall deposit his passport with the concerned police station, if it is not already seized.
- (iv) The applicant shall provide his residential address and mobile number, if any, to the concerned police station.

(N.R. BORKAR, J.)