

shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA

**CRIMINAL MISC. APPLICATION NO.17 OF 2022
WITH
CRIMINAL APPLICATION (BAIL) NO.266 OF 2019**

**CRIMINAL MISC. APPLICATION NO.17 OF 2022
IN
CRIMINAL APPLICATION (BAIL) NO.266 OF 2019**

STATE OF GOA, THR.
OFFICER-IN-CHARGE, CRIME BRANCH
AND ANR ... APPLICANTS
Versus
IBE CHUKS EBONY ... RESPONDENT

**WITH
CRIMINAL APPLICATION (BAIL) NO.266 OF 2019**
IBE CHUKS EBONY, PRESENTLY LODGED
AT MODERN JAIL COLVALE., ... APPLICANT
Versus

STATE OF GOA, AS REP. BY
OFFICER-IN-CHARGE, CRIME BRANCH
AND ANR., ... RESPONDENT

Mr. Pravin Faldessai, Additional Public Prosecutor for the
Applicants.

Mr. Caroline Collaso, Advocate for the Respondent.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 30th January, 2024

P.C.

1. Heard Mr. Faldessai, learned Additional Public Prosecutor for the
Applicants.

2. Ms. Collaso appears and submits that she has no instructions with
regard to Respondents, though she appeared in this matter at the time

of grant of bail.

3. Mr. Faldessai appearing for the State, submit that the Respondent was granted bail by this Court on 28.11.2019 by imposing certain conditions. One of the conditions was to surrender his passport before the Officer Incharge of the Crime Branch, if not submitted before any other authority.

4. Mr. Faldessai would submit that immediately after passing of such Order on 28.11.2019, the Respondent appeared before the Trial Court for the purpose of furnishing bail bonds. At that time he made a statement that his passport is already handed over to the Court at Mapusa in NDPS case No. 110/2017. Believing such a statement, the concerned Court issued orders of release by accepting the surety.

5. Mr. Faldessai now submits that the Investigating Officer on inquiring with the concerned Court found that there is no passport deposited with the concerned Court bearing No. A3180941A, as provided by the Respondent while filing the application before the Court along with surety. He submits that the Respondent is even not attending the proceedings before the Trial Court in NDPS case No. 73/2020.

6. The notice was issued to the Respondent, however, it returned unserved, stating that the Respondent is not found on the address given

by him while filing the bail application. All efforts were made to serve the Respondents. Finally, notice was published in the daily newspaper- "The Goan" in order to serve the Respondent. In spite of publication of notice in the newspaper, the Respondent failed to appear before this Court.

7. Mr. Faldessai on instructions submits that said Respondent is not appearing before the NDPS Court since long and even warrants have been issued from time to time. He submits that now Court has issued notice to surety. The matter is listed today before the NDPS Court.

8. Admittedly, the Respondent is a Foreign National. The passport is an important document for the purpose of the identity of such person. On the basis of false statement that he has surrendered it in another matter, the Respondent was allowed to be released. It shows that bail condition No. 4 has been flouted with knowledge that the details submitted by him are incorrect and that there is no such passport placed with the Court in another matter.

9. The application for cancellation of bail is filed on affidavit. In spite of efforts and publication of notice in the newspaper, the Respondent failed to appear before this Court. Similarly, the said Respondent is not attending the matter before the Trial Court which is pending for appearance only.

10. The reasons disclosed in the application are therefore sufficient to allow the prayer and to cancel the bail granted by this Court vide order dated 28.11.2019.

11. The application stands allowed. Bail granted to the Respondent vide Order dated 28.11.21019 stands cancelled.

12. A Copy of this Order to be placed before the concerned Court wherein the matter is pending for taking necessary steps.

13. Application stands disposed of.

BHARAT P. DESHPANDE, J.