

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO.438 OF 2023 (F)

IN

CRIMINAL APPLICATION (BAIL) NO.69 OF 2021

Monday Felix Odede, presently lodged at Colvale Modern Jail, Colvale	...	Applicant
Vs.		
State as rep. by the Officer-in-charge, Anti Narcotic Cell, Panaji and another	...	Respondents

WITH

CRIMINAL APPEAL NO.725 OF 2021 (F)

Monday Felix Odede, presently lodged at Colvale Modern Jail, Colvale	...	Appellant
Vs.		
State as rep. by the Officer-in-charge, Anti Narcotic Cell, Panaji and another	...	Respondents

None for Applicant.

Mr. S. G. Bhohe, Public Prosecutor for Respondent Nos.1 and 2.

CORAM : MANISH PITALE, J.

DATE : MARCH 27, 2024

(Through VC)

P.C. :

. By this application, the applicant is seeking modification of condition imposed in the order granting bail to the applicant. The applicant has contended in the application that since he is in custody, the High Commission of Nigeria has not been able to issue passport as the applicant is required to physically travel to the said High Commission of Nigeria at New Delhi. In that light, the following prayer is made in the application:-

“(a) Allow the applicant to travel to New Delhi to get his passport done or provide him the relaxation in bail conditions to submit his passport to the concerned police station after three weeks of release from the custody.”

2. By an order dated 22.01.2024, this Court (Coram : Bharat P. Deshpande, J.) directed the Registry to place such applications before the same Judge, who had imposed the conditions originally. Consequently, by an administrative order, the application has been listed before this Court (Coram : Manish Pitale, J.). It is relevant to note that even on the said date i.e. 22.01.2024 when the order was passed in the present application, there was no representation on behalf of the applicant although Mr. S. G. Bhobe, learned public prosecutor was present in Court.

3. Thereafter, the application was listed before this Court to be taken up through video-conferencing on 14.03.2024, when again there was no representation on behalf of the applicant although the learned public prosecutor was very much present in Court for arguments. Accordingly, the application was adjourned to today i.e. 27.03.2024.

4. Even today when the application is called out for hearing, there is no representation on behalf of the applicant and it appears that the applicant is not serious about pursuing the present application.

5. Be that as it may, this Court has considered the above-quoted prayer made in the present application, which seeks permission for the applicant to travel to New Delhi to get his passport done or in the alternative, to provide him relaxation in the bail conditions so as to submit his passport after three weeks of his release from custody.

6. The learned public prosecutor informs this Court that the said prayer is rendered infructuous for the reason that the passport has already been issued to the applicant. This Court is informed that officials of the High Commission of Nigeria had come down to the jail in Goa in

June, 2023. They took the biometrics etc. of individuals like the applicant herein. Pursuant thereto, in November, 2023, the said officials again came down to Goa and handed over passports issued to such individuals, including the applicant herein. This Court is informed that the applicant has already been issued a passport by the High Commission of Nigeria, bearing Passport No. A-12907641 dated 16.10.2023, which is valid upto 15.10.2028.

7. This Court is convinced that in the light of the passport having been issued to the applicant, which at present is lying with the jail authorities, the prayer in the present application itself is rendered infructuous. It is perhaps for this reason that there is no representation on behalf of the applicant on the aforesaid dates when the application was taken up for consideration.

8. In view of the above, the application is dismissed.

(MANISH PITALE, J.)

Minal Parab