



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.117 OF 2024**

Vincent Ogbonna Ezima
versus
State of Maharashtra

... Applicant
... Respondent

Ms. Alisha Parekh with Mr. Devashish Dhanjode, Ms. Ashwini, Ms. Taraq Sayed, for Applicant.

Mr. Tanveer Khan, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 7 MAY 2024

P.C.

1. Not on board. Upon mentioning, taken on production board.
2. Heard the learned Counsel for the parties.
3. This application is for modification of condition no. 6 imposed by the Court of learned Special Judge, while releasing the applicant on bail, which reads as under :

“6. Prior to his release, the applicant/accused shall furnish his residential proof and deposit passport and valid visa, if any, with Investigating Officer under intimation to this Court, depositing of visa is a condition precedent for his release from the custody.”

4. Learned Counsel for the Applicant submits that the applicant had entered India with a valid visa. However, he lost his passport which had valid Indian visa attached to it. Since the applicant does not hold a valid visa, the applicant could not avail bail granted by the Special Court on 19 January 2024.

5. Evidently, the first part of condition No.6 indicates that the applicant shall produce a valid visa, if any, meaning thereby, if available. The latter part makes the deposit of visa a condition precedent for release of the applicant for bail. If the applicant does not hold a valid visa, the said condition would make the applicant to perform that which is not possible. As the applicant has been granted bail on 19 January 2024 and on account of impossibility of the performance of the said condition, the applicant is still languishing in jail, I am inclined to modify condition No.6 with regard to the deposit of visa only. The applicant need not deposit visa.

6. Rest of the conditions in the order dated 19 January 2024 shall continue to operate.

7. The application stands disposed.

(N.J.JAMADAR, J.)