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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 4354/2024**

STANLEY AZUKA EWUZIE

.....Petitioner

Through: Mr. Maneesh Bhardwaj and
Mr. Fahad Siddiqui, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Mukesh Kumar, APP for State
with Mr. Karandeep Singh, Advocate.
Mr. Balraj, SI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **04.02.2025**

CRL.M.A. 994/2025 (for modification of the order dated 20.12.2024)

1. Through this application, the Petitioner seeks modification of the conditions imposed in the order dated 20th December, 2024, while granting bail to the Petitioner. At the outset, counsel for the Petitioner states that inadvertently, the prayer in the present application has been made for modification of condition nos. 2, 3 and 6 of the order dated 20th December, 2024, however, the Petitioner's grievance is only with respect to condition nos. (i), (ii) and (iii). For ease of reference, the conditions nos. (i), (ii) and (iii) in the order dated 20th December, 2024, are reproduced as follows:

- “xx xx xx xx xx xx
- i. The Petitioner shall furnish a security for the sum of Rs.1,00,000/- with two sureties of the like amount to the satisfaction of the Trial Court/Magistrate/Duty Magistrate.
- ii. The petitioner shall furnish a valid visa in his favour. In case, the



petitioner does not have a valid visa, he shall be at liberty to apply for the visa and till the time he gets the visa, he shall be kept in the detention/deportation centre.

iii. The concerned Trial Court shall also requisition a certificate of assurance from the concerned Embassy/High Commission of the country to which the petitioner belongs that the petitioner shall not leave the country and shall appear before the Trial Court as and when required;”

2. Counsel for the Petitioner states that since Petitioner is a foreign national, he is unable to arrange two sureties and requests that condition no. (i) be modified. Further, he submits that in light of the judgment of the Supreme Court in ***Frank Vitus v. Narcotics Control Bureau and Ors.***,¹ dated 8th July, 2024 [Criminal Appeals No. 2814-15 of 2024], condition no. (iii) is no longer necessary.

3. As regards the condition no. (ii) is concerned, he submits that the Petitioner’s passport is already in custody of the Trial Court. In this regard, he also places reliance on the order dated 6th January, 2025, passed by the Supreme Court in the aforementioned Criminal Appeal No(s) 2814-2815/2024. By way of this order the Supreme Court, in addition to the observations made on 8th July, 2024, has held that while it is not necessary to implead the Civil Authority or Foreign Registration Office in cases where foreigners seek bail, it is only necessary to communicate the order granting bail to the said authorities for them to take the appropriate steps, if necessary, in accordance with law.

4. Considering the aforenoted submissions, the bail conditions contained in Paragraph No. 9 of order dated 20th December, 2024 shall now read as under:

i. The Petitioner shall furnish a security for the sum of Rs.50,000/- with

¹ (2024) 8 SCC 415



one surety of the like amount to the satisfaction of the Trial Court/Magistrate/Duty Magistrate.

ii. The State/Delhi Police is directed to immediately communicate the order dated 20th December, 2024 granting bail to the Petitioner to the concerned Foreign Registration Officer appointed under Rule 3 of the Registration of Foreigners Rules, 1992. The concerned Foreign Registration Officer, in turn, shall communicate the said order to all concerned authorities including the Civil Authorities, in order to enable the authorities to take appropriate steps under the Foreigners Act, 1946, Registration of Foreigners Rules, 1992 and the Foreigners Order, 1948, in accordance with the law.

iii. The Petitioner shall provide his mobile phone number to the Investigating Officer (IO) concerned at the time of release, which shall be kept in working condition, and any change of the same shall be intimated to the IO concerned, during the period of bail.

iv. The Petitioner shall deposit his passport before the learned Trial Court, if not deposited already.

v. The Petitioner is directed to give an address in Delhi, where he will reside during the trial, to the Trial Court and to the Investigating Officer (IO). The Investigating Officer is directed to verify the address given by the Petitioner. The Petitioner is directed not to change the given address without informing the Investigating Officer.

vi. The Petitioner shall not leave the NCT of Delhi without the permission of the Trial Court.

vii. Even though the chargesheet has been filed, the Petitioner shall report to the concerned Police Station thrice a week, i.e., every Monday,



Wednesday and Friday at 10:00 AM and shall be released by 11:00 AM after completing all the formalities.

viii. The Petitioner is directed not to tamper with the evidence.

ix. The Petitioner is directed to appear before the Trial Court on all dates of hearings without fail.

x. The Petitioner is directed not to indulge in any similar/same activity.

xi. Violation of any of the aforesaid conditions shall lead to cancellation of bail granted to the Petitioner by this Court.

5. With the above directions, the application is disposed of.

SANJEEV NARULA, J

FEBRUARY 4, 2025

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