



Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.301/2025**

KONSTANTIN MORZILI,
S/o Alexanderovich Morzili,
Aged 42 Years, Russian National,
holder of Passport bearing Number 51N
7306086 Currently Residing at
H. No.320, Madhalamaj, Mandrem,
Pernem, Goa - 403 527.

... PETITIONER

Versus

1. UNION OF INDIA, Through
BUREAU OF IMMIGRATION,
Ministry Of Home Affairs
Represented By COMMISSIONER,
East Block-VIII, Level-V, Sector-1,
R.K. Puram, New Delhi-110066.

2. THE FOREIGN REGIONAL
REGISTRATION OFFICE,
Represented by the FOREIGN
REGIONAL REGISTRATION
OFFICER, 78/1, Badruddin Tayabji
Marg, Behind St. Xavier's College,
Dhobi Talao, Chhatrapati Shivaji T
erminus Area, Fort, Mumbai,
Maharashtra - 400 001.

3. THE FOREIGN REGIONAL
REGISTRATION OFFICE,
Represented by the FOREIGN
REGIONAL REGISTRATION
OFFICER Police Headquarters,
Panaji, Goa - 403 001.

4. STATE OF GOA, through
THE CHIEF SECRETARY,
Porvorim, Goa-403 501.

... RESPONDENTS

Mr Ajay Menon, Advocate for the Petitioner.
Mr R. Chodankar, Standing Counsel for Central Govt. for
Respondents No.1 & 2.
Ms S. Mordekar, AGA for Respondents No.3 and 4 (thr VC).

**CORAM: BHARATI DANGRE &
ASHISH S. CHAVAN, JJ.**

DATED: 09th OCTOBER 2025

JUDGMENT : (Per Ashish S. Chavan, J.)

1. The Petitioner, Russian National, has filed the present Petition seeking directions to the FRRO/Bureau of Immigration to grant the pending VISA application of the Petitioner and other incidental reliefs.

2. The Petitioner finds himself in an unusual predicament, where on one hand, he cannot leave State of Goa on account of the condition precedent of the Courts in Goa granting him bail, and on the other hand, FRRO is not granting him VISA despite repeated applications, on the ground that there are criminal cases pending against him. The situation is even more peculiar because the Petitioner possesses a valid passport issued by the Russian Federation and had travelled to India on a valid VISA.

3. The factual matrix which is germane to deciding the issue arising in the present petition can be summarized as under:

(i) On 12.04.2018, the Petitioner visited Goa on a T-1 VISA, on a valid passport issued to him by the Russian Federation.

(ii) On 23.05.2018, the Petitioner was arrested in connection with FIR No.68/2018 registered at Anjuna PS for offences punishable under Section 370(A)(II) r/w

Section 34 of the IPC and Section 4, 5 of the Immoral Traffic (Prevention) Act, 1956.

(iii) On 25.06.2018, the Petitioner was granted bail in the aforesaid offence. In the meanwhile, on 09.07.2018, the VISA of the Petitioner expired.

(iv) On 30.08.2019, the final report was filed in connection with the FIR No.68/2018.

(v) On 15.08.2022, the passport of the Petitioner was renewed upto 15.08.2027.

(vi) On 15.08.2024, FIR No.14/2024 was registered against the Petitioner for offences punishable under Section 20(b)(ii)(A) of the NDPS Act, 1985 and the Petitioner was arrested and granted bail on the same day.

(vii) From October 2024 to May 2025, the Petitioner made as many as six applications to the Bureau of Immigration, Government of India for extension/conversion of VISA, out of which five applications were rejected with the remark “*court case is registered against applicant, hence, advised to re-apply after disposal of court case*”. The sixth application dated 05.05.2025 is pending with a remark “*upload court order and police station NOC to issue you VISA service*”.

(viii) The State had filed two applications for cancellation of bail. Both applications were rejected by the Trial Court.

4. Heard Mr Ajay Menon for the Petitioner, Mr R. Chodankar for Respondents No.1 & 2 and Ms S. Mordekar, Additional Government Advocate for Respondents No.3 and 4.

5. Rule. Rule is made returnable forthwith at the request of and with the consent of the learned counsel for the parties.

6. The counsel for the Petitioner was at pains to point out that the Petitioner is in a catch-22 situation where on the one hand, he is on bail and as a condition precedent for grant of the bail, he cannot leave the State of Goa. It was urged that the Petitioner has no other option but to stay in the State of Goa to face trial in the cases against him. However, despite adhering to all the conditions of bail, the Petitioner finds himself in a predicament since the FRRO is consistently refusing to issue him a VISA which would enable him to stay in the State of Goa and face the trial in the cases against him. Mr Menon would strenuously urge that despite having a valid passport and despite approaching the FRRO as many as five times, the VISA applications of the Petitioner were turned down on the ground that there were cases pending against him. The application made on 05.05.2025 is pending with the status as “*upload court order and police station NOC to issue you VISA service*”. He would urge that the non-possession of a valid VISA would make him vulnerable to be detained at a detention centre despite being set at liberty on bail by various courts of law, which would amount to violation of his right to life and liberty under Article 21 of the Constitution of India. He would submit that this is a fit case for interference by this Court.

7. A perusal of the bail orders dated 25.06.2018 and 15.08.2024 would clearly indicate that the Petitioner is restrained from leaving the State of Goa without prior permission of the Court. The Petitioner possesses a passport bearing No.7306086 valid upto 15.08.2027 issued by the Russian Federation. It is also seen that several applications of the Petitioner wherein he has sought “e-Emergency X-Misc Visa” with the reason that the VISA is required for his stay in Goa due to the Court cases have been rejected by the FRRO Mumbai due to pendency of the Court cases against him. If the Petitioner has to adhere to the conditions of grant of bail, then he would have to be available for trial, which would necessarily require him to possess a valid document for his stay. However, his efforts at obtaining such a document i.e. VISA have gone in vain.

8. The predicament of the Petitioner is squarely covered by a view taken by this Court in *Okoro Emanuel Chimeuecheya @ Eze v/s. Union of India & Ors. - Criminal Writ Petitions No.796, 980, 994 of 2024 (F) and Criminal Writ Petitions No.538, 554, 2, 15, 66 and 606 of 2025 (F)* decided on 04.08.2025 wherein this Court has observed as under:

“25. However, when the issue comes whether the persons like the Petitioners who are released on bail shall continue to be in Detention Centre, we are of the specific view that in the wake of the length of time consumed in the conclusion of the trial, they cannot be indefinitely detained in such Detention Centres and deserve their release which was however subject to the condition that they can be

allowed E-visa (Misc) so that they do not get out of the system and the system can tap their movements in case they intend to flee the country. However, they deserve their release by stipulating that they shall communicate their permanent address to the Court which has released them on bail and which shall also direct their reporting to the concerned Police Station, while they continue to be on bail.

26. On being satisfied that all the Petitioners before us need not continue their stay in the detention centre, we deem it appropriate to secure their release forthwith from the deportation centre subject to the Petitioner furnishing his/her permanent address and mobile number/any contact number to FRRO and with an undertaking that the phone shall be kept operational and active at all times.

The Petitioner shall continue to report to the local Police Station in whose jurisdiction he/she shall continue to reside on every Monday and mark his/her attendance between 10.00 a.m. to 11.00 a.m.

In those cases, where the visa of the Petitioner has expired, the Petitioner is at liberty to make fresh application and on such an application being filed, the decision thereupon shall be taken by the FRRO in accordance with law. In cases where the application filed by the Petitioner for visa is pending, an expeditious decision is expected which, shall be not later than eight weeks from today.

Criminal Writ Petition nos. 796, 980, 994 Of 2024 (Filing) and Criminal Writ Petitions No. 2, 15, 66, 538,

554 and 606 Of 2025(Filing) are made absolute in the aforesaid terms.”

9. Applying the aforesaid ratio to the facts at hand, we hold that, in the peculiar facts and circumstances, if the Petitioner has to abide by the terms and conditions of the bail granted to him, he would require a valid VISA. We see no impediment to the Respondent Nos.1 to 3 in granting the Petitioner a VISA for that limited purpose. In the absence of a valid VISA the Petitioner would be exposed to the possibility of being detained in the detention centre, despite having a valid passport and despite adhering scrupulously to the conditions of bail.

10. In these circumstances, taking note of the fact that an application filed by the Petitioner for extension/conversion of VISA is pending before Respondents No.2 and 3/FRRO, we direct the FRRO to expeditiously decide the application in accordance with law, not later than eight weeks from today and communicating to the Petitioner the decision on his application. We hope and trust that the grievance of the Petitioner would be addressed with these directions.

11. The Petition is disposed of in the aforesaid terms with liberty to the Petitioner to approach this Court, should his grievance persist.

12. Rule is made absolute in the aforesaid terms.

ASHISH S. CHAVAN, J.

BHARATI DANGRE, J.