

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 114 OF 2025

Chinonso Udeju Nnamadi

.. Applicant

Versus

The State of Maharashtra

.. Respondent

-
- Ms. Ashwini Achari a/w. Mr. Taraq Sayed, Advocates for Applicant.
 - Mr. Hitendra J. Dedhia, APP for Respondent – State.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 18, 2025.

P.C.:

- 1.** Mentioned at the time of rising of the Court.
- 2.** Heard Ms. Achari, learned Advocate for Applicant and Mr. Dedhia, learned APP for Respondent – State.
- 3.** Ms. Achari informs the Court that Applicant seeks modification and relaxation of the bail conditions in the order dated 21.05.2024 passed by the Sessions Court. It is an irony that despite bail order has been passed as far back as on 21.05.2024, Applicant who has been enlarged on bail is still languishing in jail.
- 4.** The fact that the Applicant is foreigner does not create any difference to the Court since the Sessions Court has already exercised its power releasing the Applicant on bail on merits of the matter.

5. Be that as it may, Ms. Achari would submit that in so far as relaxation of condition 'a' is concerned, there is no averment made in the Application. Hence she would persuade the Court to permit her to make the necessary amendment to that effect in the Application. The said amendment is permitted to be carried out forthwith in the presence of the Court. Re-verification stands dispensed with.

6. Next she would submit that Applicant seeks relaxation of condition 'b' wherein there is a direction to the Applicant to produce his valid passport and visa which he can only do after he is released on bail and it is possible only after two weeks after he is out of prison. That relaxation can undoubtedly be considered by the Court.

7. Next she would submit that condition 'f' is *prima facie* onerous on the face of record as it would be impossible for the Applicant to file an Affidavit to that effect as stated by the Sessions Court in the said condition. *Prima facie*, learned Advocate for the Applicant appears to be right on this count.

8. Next she would submit that similarly condition 'j' also is onerous as the concerned authority namely Embassy / High Commission of the country to which the Applicant belongs cannot give an assurance on his behalf that he shall not leave the country if released on bail. She would submit that Applicant shall give one or two solvent sureties in the like amount as directed by the

Court. Hence she would seek deletion of the said condition. In so far as condition 'j' is concerned, learned Advocate for Applicant *prima facie* appears to be correct.

9. After carrying out the amendment as directed by this order, learned Advocate for Applicant is directed to serve the amended copy of the amended Application on the Respondent – State.

10. Mr. Dedhia, learned APP for the State shall take appropriate instructions on the aforesaid submissions delineated herein above by the learned Advocate for Applicant and accordingly apprise the Court on the next adjourned date about any objections to the same.

11. List the Bail Application on Board on **25th March, 2025**. To be placed under the caption '**First on Board**'.

[MILIND N. JADHAV, J.]

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