

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

APPLICATION NO.116 OF 2025

Denny Miguel Tovar Sales

.. Applicant

Versus

Union of India and Anr.

.. Respondents

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- Mr. Taraq Sayed a/w. Ms. Ashwini Achari, Advocates for Applicant.
- Ms. Megha S. Bajoria, SPP for Respondent No.1.
- Mr. Balraj B. Kulkarni, APP for Respondent No.2.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 25, 2025

P.C.:

1. Heard Mr. Sayed, learned Advocate for Applicant and Ms. Bajoria, learned SPP for Respondent No.1 and Mr. Kulkarni, learned APP for Respondent No.2.

2. Present Application seeks relaxation of bail conditions which has been granted by learned Sessions Court while granting bail to Applicant on 21.09.2024. In view of the onerous condition of bail condition, Applicant is still incarcerated in prison.

3. Mr. Sayed, learned Advocate for Applicant would persuade the Court to consider reducing the amount of bail bond of Rs.1,00,000/- to a lesser and meaningful amount to enable the Applicant to pay the same.

4. Ms. Bajoria, learned SPP appearing for Union of India would

object to the reduction of amount as requested by Mr. Sayed since bail was granted to Applicant on the ground of his long incarceration, as also indictment of Applicant was on the ground of purging of the alleged contraband which was valued at a humongous amount of Rs.2 Crores. She would submit that it would not be difficult for Applicant to pay bail amount.

5. *Prima facie*, if it was possible for Applicant to pay the bail bond amount if he would have got himself released from prison and not remained languishing in jail since 21.09.2024. Hence the objection raised by Ms. Bajoria, learned SPP is rejected by the Court.

6. Be that as it may, considering the request made by the Applicant, I am of the opinion that condition No.(a) is *prima facie* onerous and hence the bail bond amount is reduced to Rs.25,000/- in place of Rs.1,00,000/- as directed in the bail order.

7. Condition No.(b), *prima facie* is impossible to be complied with and hence it stands deleted.

8. Since Mr. Sayed informs the Court that passport of Applicant has expired, it is directed that if Applicant after his release applies for fresh passport and if he is granted a new passport, he shall deposit the same with the prosecution / Sessions Court within a period of two weeks from the date of receipt of such passport.

9. That apart, rest of the conditions of the order dated 21.09.2024 shall remain as they are. This order shall be read alongwith order dated 21.09.2024 for the purpose of releasing Applicant on bail.

10. Application stands allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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