

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 194 OF 2025

Anayo Okolie Sunday .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Ms. Ashwini Achari i/by Mr. Anish Pereira & Ms. Taraq Sayed for Applicant
- Ms. Savita M. Yadav, APP for Respondent - State

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 23, 2025

P. C.:

1. Heard Ms. Achari, learned Advocate for Applicant and Mr. Yadav, learned APP for Respondent - State.

2. By filing the present Application, Applicant seeks reduction of the bail amount as mentioned in condition No. (a) from PR Bond of Rs. 2,00,000/- with one or two solvent sureties of the like amount to PR Bond of Rs. 20,000/- with one or two sureties of the like amount.

3. Ms. Achari would submit that Applicant is a foreign national who was languishing in judicial custody for a period of more than 5 years having no source of income or relatives. She would submit that PR Bond of Rs. 2,00,000/- as directed by the trial Court is on the higher side and Applicant is not in a position to furnish the same and

in that view of the matter, the entire object of grant of bail stands defeated.

4. Ms. Achari has relied upon the decision of the Supreme Court in the case of ***Ramchandra Thangappan Achari in SLP (Cri) No. 3363/2024*** wherein the Supreme Court in the facts of that case in identical circumstances has held that *"it would be a travesty of justice if the Petitioner is unable to secure the benefit of bail order for his inability to furnish local surety. This will infringe the rights guaranteed under Article 21 of the Constitution for the person who continues to be detained despite a bail order in his favour."*

5. After perusing the present Applicant and hearing learned APP, I am of the opinion that in the facts of the present case, the Applicant being a foreign national having been incarcerated for more than 5 years and granted bail pending trial, case of the Applicant deserves consideration. It is submitted that the Applicant has not been gainfully employed and does not possess any movable or immovable assets of substantial value. The Applicant has also suffered considerable financial hardship owing to his prolonged incarceration. In such circumstances, the Applicant is unable to arrange for the surety amount or procure any individual to stand as surety on his behalf. He has therefore sought relaxation of the said condition.

6. Considering the facts in the present case pertaining to the Applicant, present Application stands allowed and disposed in terms of prayer clauses (a) to (c) which reads thus:-

- "a) That this Hon'ble Court be pleased to modify condition No. (a) of the bail order dated 17.03.2025 passed by the Ld. Sessions Court, Mumbai.*
- b) That this Hon'ble Court be pleased to reduce the bail amount as mentioned in condition No. (a) from PR Bond of Rs. 2,00,000/- (Rs. Two Lakh) with one or two solvent sureties of the like amount to PR Bond of Rs. 20,000/- with one or two sureties of the like amount;*
- c) That this Hon'ble Court be pleased to enlarge the Applicant on provisional cash bail for a period of 6 weeks in lieu of the surety."*

7. This order shall be read along with the bail order dated 17.03.2025 and complied with.

8. Application is allowed and disposed in the above terms.

Amberkar

[MILIND N. JADHAV, J.]

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