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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2703 OF 2025
IN
BAIL APPLICATION NO. 1752 OF 2023**

Kenneth Okeke ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Arif Zamirullah Khan for the Applicant.

Mr. A. S.Gawai for the Respondent.

CORAM : GAURI GODSE, J.

DATE : 5th AUGUST 2025

ORDER :

1. This application is filed seeking relaxation of condition no. (IV) of order dated 23rd June 2025. Learned counsel for the applicant submits that the original passport of the applicant is not in the custody of the applicant. He submits that the applicant's passport had validity only upto 22nd February 2022. He submits that according to the applicant the passport was seized by Tulinj Police Station. However, learned APP on instructions submits that the passport is not in the custody of Tulinj Police Station. Learned counsel for

the applicant submits that in any event the passport is not in the custody of either the applicant or his wife.

2. Learned APP further submits that there is a serious dispute on the copy of the passport relied upon by the applicant as the data of the applicant as shown in the copy of the passport is not found in the registry of Foreigners Regional Registration Officer ("FRRO").

3. Learned counsel for the applicant submits that he shall file an affidavit-cum-undertaking in this court stating that the applicant shall not apply for fresh passport or renewal of passport without taking leave of the trial court. He seeks time to tender such affidavit-cum undertaking.

4. Considering the apprehension expressed by the learned APP, the investigating officer can be permitted to intimate the Federal Republic of Nigeria regarding the undertaking that would be filed by the applicant.

5. List this application on 11th August 2025. To be listed under the caption for "Directions".

[GAURI GODSE, J.]