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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3041 OF 2026
IN
BAIL APPLICATION NO. 679 OF 2025

Musa Sultan Khan .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Abdul Wahab Shaikh a/w Ms. Aashma Sayyed, Advocates for Applicant
- Ms. Gauri S. Rao, APP for State

.....

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 7, 2026

P. C.:

1. Heard Mr. Shaikh, learned Advocate for Applicant and Ms. Rao, learned APP for State.

2. Present Interim Application seeks modification of certain bail conditions which are stipulated for the purpose of granting bail in the order dated 02.05.2025 passed in Bail Application No. 679 of 2025. It is irony that though the order granting bail was passed in May 2025, Applicant is still languishing in jail. Applicant is a foreign national as informed by Mr. Shaikh.

3. Firstly it is argued that condition No. (ii) in the operative part requires the Applicant to furnish P.R. bond of Rs. 1 Lakh. Mr Shaikh would submit that Applicant is not in a position to garner that amount

since he does not know any person. On instructions, he would submit that Applicant has now accumulated some amount with the aid and assistance of well-wishers and now ready and willing to furnish PR Bond of Rs. 25,000/- with two solvent sureties in the like amount. In that view of the matter, condition No. (ii) stands modified as under:-

> (ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one or two sureties of the like amount. It is clarified that no bail bond in respect of an accused of a non-bailable offence who is a foreign national such as in the present case, shall be executed by a Licensed Professional Bail Bondspersons save with the express permission of the concerned Court accepting bail and surety bond. This condition is added in view of the decision of the Supreme Court in the case of ***Union of India Vs. Chidiebere Kingsley Nawchara & Ors.***[1]

4. Condition No. (iii) requires release of the Applicant subject to production of valid passport and visa. Such condition in my opinion is *prima face* incongruous, innocuous and should not be imposed. In view of the decision of the Supreme Court in the case of ***Frank Vitus v. Narcotics Control Bureau & Ors.***[2], the proper procedure for releasing a

1 SLP (Cri) No(s). 14185 of 2025

2 Criminal Appeal No.2814-2815 of 2024 decided on 06.01.2025.

foreigner on bail would be the requirement as suggested in the said order by the Supreme Court of requiring him to register himself with the Foreign Regional Registration Office within a period of two weeks from the date of his release. Save and except that, the condition numbers (iii), (iv) and (v) stand deleted. Hence, in place of condition Nos. (iii), (iv) and (v), only the following condition No. (iii) is substituted:-

> "(iii) The concerned prosecuting Agency shall immediately communicate this order of grant of bail to the concerned Registration Officer appointed under Rule 3 of the Registration of Foreigners Rules, 1992 within the meaning of the Foreigners Act, 1946. This condition is added in view of the decision of the Supreme Court in the case of ***Frank Vitus v. Narcotics Control Bureau & Ors. (supra)***"

5. The rest of the conditions in the bail order dated 02.05.2025 shall remain the same. This order shall be read along with the order dated 02.05.2025 for the purpose of releasing the Applicant on bail.

6. Interim Application is allowed and disposed.

[MILIND N. JADHAV, J.]

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