HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4657 OF 2025

Adou Kovadio Marcel Kouasssi @ Johnkennedy Ugochukwu Chibueze .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Mr. Ashish Baraskar, Advocates for Applicant.
- Mr. Sukanta A. Karmakar, APP for Respondent.
- PI – Sagar Shingate, Taloja Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 13, 2026

P.C.:

1. Heard Mr. Baraskar, learned Advocate for Applicant and Mr. Karmakar, learned APP for Respondent.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Bail in connection with C.R. No.452 of 2024 registered with Taloja Police Station for offences punishable under Sections 14 and 14B of the Foreigners Act, 1946.

3. Applicant being Foreign national is indicted under the Foreigners Act, 1946 for misusing his passport. The medical report has also been called. Medical Report dated 12.10.2026 is filed. Perusal of the medical report shows that he has a condition about pain in his abdomen which is under observation as stated in the report. The ultra sonograpy report shows chronic cystitis and extensive gaseous bowel

loops. Though the Report concludes stating that vital parameters are in normal limits, however considering indictment of the Applicant for the reason that he had used his passport for entering this country illegally and he has been arrested on 13.12.2024, considering his medical condition as also his long incarceration for 1 year and 11 months, I am inclined to consider the case of the Applicant for grant of bail.

4. Considering the aforesaid, Applicant has made out case for grant of bail subject to following conditions:-

(i) Applicant is directed to be immediately released from prison in connection with Crime No. 452 of 2024;

(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]

(iii) Applicant shall report to the Investigating Officer at the concerned Police Station, once every month on the first Monday of the month between 10:00 a.m. to 12:00 p.m.;

(iv) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically exempted and will not take any unnecessary adjournments, if he does so it will entitle the prosecution to apply for revocation of this order;

(v) Applicant shall not leave the Country without prior permission of the Trial Court;

(vi) Applicant shall deposit his passport with the Trial Court within a period of one week from his release from prison;

(vii) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(viii) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time, as applicable; and

(ix) Any infraction of the conditions shall entail cancellation

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

of bail granted to the Applicant.

(x) 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.***[2].

5. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

6. Bail Application is allowed and disposed of in the above terms.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA HANUMANT SAWANT
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Date: 2026.10.13 20:49:20 +0530

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