

**IN THE HIGH COURT OF BOMBAY AT GOA.**

**(LD-VC-BA-39/2020 )**

Vithal Chavan ..... Applicant.  
Vs  
State of Goa & anr. .... Respondents.

Shri Manguirish Usgaonkar, Advocate for the Applicant.  
Shri S. Dhargalkar, Addl. Public Prosecutor for the respondents.

**Coram:- DAMA SESHADRI NAIDU, J.**

**Date:- 3<sup>rd</sup> September 2020.**

P.C.

The applicant has been charged with an offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985. He is said to have possessed 2 kgs. of "grass like substance". He was arrested on 25.10.2018.

2. Later, this Court through its order, dated 11.1.2019, in Criminal Application (Bail) No.354 of 2018, granted bail to the applicant. One of the conditions reads thus:

The applicant shall be released on bail on execution of a P. R. Bond in the sum of Rs.50,000/-, with two solvent sureties in the amount of Rs.25,000/- each, out of which, one surety shall be the daughter of the applicant, namely, Tabassum Shaikh, who is a resident of Goa.

3. The applicant is still in custody, the reason being his inability to provide the sureties. Now, he has come up with this application to have that condition modified.

4. Heard Shri M. Usgaonkar, the learned counsel for the applicant; and Shri S. Dhargalkar, the learned Additional Public Prosecutor for the respondents.

5. As seen from the extracted condition above, I reckon the petitioner is required to provide PR bond for Rs.50,000/-, besides two solvent sureties for Rs.25,000/- each. One of those sureties may be his daughter Tabassum Shaikh, who lives in Goa.

6. Now, after pleading poverty as the reason for his inability to comply with the bail condition, that applicant wants modification. The applicant is willing to provide a PR bond for Rs.25,000/- on his behalf; he also wants the third-party surety amount reduced to Rs.10,000/-.

7. In response to the submissions made by the applicant's counsel, the learned Additional Public Prosecutor has essentially focused on the identity of the parties. According to him, the applicant is unable to produce any proof of his identity or that of his daughter. But the applicant's counsel assures the Court that he will produce all the proofs of identity to the satisfaction of either the Court or the Prosecution.

8. The fact remains that despite his getting the bail, the applicant has been rotting in the jail because of his poverty. Jurisprudentially, we have enough precedents gathered by now that no person shall be deprived of his liberty which he is otherwise entitled to, merely on account of his poverty.

9. Under these circumstances, I modify condition (a) in the bail order, dated 11.01.2019. It will read thus:

“The applicant shall be released on bail on his executing a P. R. Bond for Rs.25,000/-, with two solvent sureties for Rs.10,000/- each. Of the two sureties, one may be his daughter Tabassum Shaikh, who resides in Goa.”

With these modifications, I dispose of the application.

**DAMA SESHADRI NAIDU, J.**

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