

IN THE HIGH COURT OF BOMBAY AT GOA.

(LD-VC-BA-51/2020)

Togo Chigozie Ozoemena,
Presently lodged in Central
Jail, Colvale

...Applicant

Vs

State of Goa, Thr. I.O.
Calangute Police Station, and
anr.

...Respondents

Shri T. George John, Advocates for the applicant.

Shri P. Faldessai, Addl. Public Prosecutor for the respondents.

Coram: - DAMA SESHADRI NAIDU, J.
Date:4th November 2020.

PC.

The applicant is the sole accused in Crime No.113/2019, registered by Calangute police station. It is for the alleged offences under sections 20(b)(ii)(A), 20(b)(B), and 21(b) of the NDPS Act. The applicant was arrested on 14.11.2019 and remanded in judicial custody. On three occasions, the applicant applied for bail before the trial Court but could not succeed. Now he has come before this Court, invoking section 439 of Cr.P.C.

2. Heard Shri T. George John, the learned counsel for the applicant, and Shri Pravin Faldessai, the learned Additional Public Prosecutor for the respondents.

3. As seen from the record, the police investigated the crime and filed the charge sheet in NDPS Case No.6/2020 before the learned Additional District Judge-I, Mapusa. Indisputably, the contraband seized from the applicant is of a variable quantity. On the other hand, the applicant has criminal antecedents. Earlier, he had three cases registered against him, one of them under the NDPS Act. Now I am told that the

applicant has been acquitted in that crime. Of the other two crimes, one related to the applicant's not possessing valid travel document. On that count, the crime was registered in 2009, and the applicant was convicted. It seems he has already served the sentence. The third offence relates to rioting or causing disturbance to the peace and tranquility in the vicinity. In that case, the applicant has been on bail.

As the quantity is variable and as the applicant has been in judicial custody for about one year, I reckon its a fit case for the Court to enlarge the applicant on bail. That said, I also underline that the applicant has no valid travel documents.

4. Under these circumstances this Court is required to impose strict conditions while granting bail. Besides as Shri Faldessai, the learned Additional Public Prosecutor, has pointed out pendency of the crime or this order of bail does not cloth the applicant with any immunity against his not having valid travel documents. He must make every effort to secure valid travel document or else the law may take it own course on that count. The bail application is granted subject to these conditions:

ORDER

- (i) The applicant is directed to be released on bail on his executing P.R Bond for Rs.50,000/- and on his furnishing two sureties out of which one local surety, each for the like sum, to the satisfaction of the learned Additional Sessions Judge-I, Mapusa.
- (ii) The applicant shall visit the jurisdictional police station every day at 11.00 am.
- (iii) The applicant shall place before the trial Court a copy of the lease agreement the applicant is said to have entered with his landlord.
- (iv) Once the applicant secures valid travel documents, he must place them before the trial Court, preferably in six months after his release.
- (v) The applicant should not leave the State of Goa, without prior permission of the learned Additional Sessions Judge-I, Mapusa.
- (vi) The applicant shall attend the hearing of the case on the dates fixed by the trial Court.

- (vii) The applicant shall not influence, induce, threaten, or coerce the witness; nor should he abuse the process.
- (viii) The applicant shall not indulge in any further crime, similar or otherwise.
- (ix) The applicant's failure to abide by these conditions will entail the prosecution to apply for the cancellation of bail now granted to the applicant.
- (x) The Bail Application stands allowed.

DAMA SESHADRI NAIDU, J.

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