

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-BA-58-2020

Mohd. Khalid Bapari,
presently lodged in Central
Jail, Colvale.

... Applicant.

Versus

State of Goa and anr.

... Respondents.

Mr. Kautuk Raikar, Advocate for the Applicant

Mr. Pravin Faldessai, Addl. Public Prosecutor for the Respondents.

Coram : Dama Seshadri Naidu, J.

Dated : 16th December, 2020.

P.C.:

When this Court granted bail to the applicant through order dated 1.12.2020, in LD-VC-BA-58-2020, one of the condition was that the applicant is directed to be released on bail on his executing a bail bond for Rs.25,000/- and on furnishing two sureties, each for the like sum, to the satisfaction of the District & Sessions Judge, Mapusa.

2. Now it turns out that the trial Court has insisted on local

sureties. Technically, the Trial Court is right because the acceptance of the bail conditions is to the satisfaction of the District Judge, Mapusa.

3. But the Courts have consistently held that there cannot be territorial discrimination as to the sureties because for a non native Goan, it is impossible to secure a local surety. Therefore, I reckon we cannot read into the bail order an additional condition that the surety must be local. To that extent, I clarify.

4. With this clarification, I dispose of this application.

Dama Seshadri Naidu, J.

MF/-