

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

**CRMA(FILING) 4 OF 2021  
IN  
LD-VC-BA-51 OF 2020.**

Togo Chigozie Ozoemena,  
Presently lodged in Central  
Jail, Colvale.

...Applicant

Versus

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

... Respondents

Shri T. George John, Advocate for the applicant.  
Shri P. Faldessai, Addl. Public Prosecutor for the respondents.

Coram: - DAMA SESHADRI NAIDU, J.  
Date: -6<sup>th</sup> January 2021.

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. This Court, through its order dated 4.11.2020, granted the bail to the applicant subject to certain conditions. One of the conditions reads thus:

- (i) The applicant is directed to be released on bail on his executing PR 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.

2. Now, the applicant has come up with this application for modification of that condition.

3. In the above factual background, Shri T. George John, the learned counsel for the applicant, submits that the applicant is a foreign national

and has no secured source of income. Besides he has found it extremely difficult to secure two sureties both of whom are required to execute PR Bonds of Rs.50,000/- each. As the condition is onerous, according to him; unless it is modified, the applicant cannot take advantage of the bail. In other words, it may amount to denial of the bail.

4. The learned Additional Public Prosecutor has however opposed any modification of the bail conditions.

5. In deed, the applicant is a foreign national. Though this bail was granted on 4.11.2020, because of his impecunious conditions and his inability to secure two sureties, he still remains in the jail. As Shri T. George John has pointed out, no condition should be so onerous as to deny a statutory benefit which the applicant is otherwise entitled to.

6. Under these circumstances, I modify the condition no.1 in the bail order, dated 4.11.2020, to the effect that it will suffice if the applicant furnishes one local surety for ₹50,000/-.

7. Application stands disposed of accordingly.

**DAMA SESHADRI NAIDU, J.**