

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-BA-5-2020

Bharat Jaiswal

.... Applicant

Versus

State of Goa & Anr.

.... Respondents

Shri Vibhav Amonkar, Advocate for the Applicant.

Shri P. Faldessai, Additional Public Prosecutor for the Respondent-State.

Coram:- Nutan D. Sardesai, J.

Date:- 09th June, 2020.

P.C.:

Heard Shri Vibhav Amonkar, learned Advocate for the applicant and Shri P. Faldessai, learned Additional Public Prosecutor on behalf of the State.

2. This is an application for modification of the bail granted by the learned Additional Sessions Judge, South Goa, Margao dated 21/11/2019 pursuant to which he imposed certain conditions for the release of the applicant on bail.

3. Shri Amonkar, the learned Advocate for the applicant submits that it is not possible to a secure surety who has immovable property within the jurisdiction of the Trial Court and or to produce

the proof of ownership of such immovable property. Besides, it was his contention that the applicant would furnish his detailed address of his acquired accommodation in the State of Goa alongwith the identity proof and the proof of residence no sooner he is enlarged on bail.

4. Shri P. Faldessai, learned Additional Public Prosecutor, in all fairness leaves the matter to the discretion of the Court but at the same time gives due weightage to the findings rendered by the learned Additional Sessions Judge considering the judgment in **Freedom Firm v/s. Commissioner of Police, Pune and ors.** [Cr. Public Interest Litigation No.4 of 2015].

5. Having considered the order under challenge for modification and looking to the stringency of the conditions imposed by the learned Additional Sessions Judge, Margao, the application deserves to be granted. The applicant shall furnish two sureties as ordered (one of whom shall be local) but there shall be no condition that he shall own an immovable property in the State of Goa within the jurisdiction of the Trial Court nor would the surety be required to produce the proof of ownership of such immovable property. To that extent, the condition (a) of the bail order stand modified. The other terms of the bail shall continue.

6. In these terms the application stands disposed off.

7. All concerned to act on the basis of authenticated copy of this order.

Nutan D. Sardesai, J.

msr.