

2023 SCC OnLine Bom 1715

In the High Court of Bombay at Goa
(BEFORE PRAKASH D. NAIK, J.)

Sudhakar Gopal presently in judicial custody ...
Applicant;

Versus

Officer in Charge, Pernem Police Station and
Another ... Respondents.

Criminal Application (Main) No. 600 of 2023 (Filing)

Decided on August 21, 2023

Advocates who appeared in this case:

Mr. Nilesh V. S. Shirodkar, Advocate under Legal Aid Scheme for the applicant.

Mr. Nikhil Vaze, Additional Public Prosecutor for the Respondent State.

The Order of the Court was delivered by

PRAKASH D. NAIK, J.:— This is an application for modification of order dated 21.12.2019 passed by the learned Additional Sessions Judge, Mapusa in bail application no. 240/2019 and subsequent orders modifying the first order.

2. The applicant is in custody since 11.11.2019 for offences under Section 370 of Penal Code, 1860 and Sections 4, 5 and 7 of Immoral Trafficking Prevention Act. The bail was granted on furnishing personal bond and local surety for an amount of Rs. 50,000/- having immovable property with identity proof. The applicant thereafter preferred an application for modification of order dated 21.12.2019 which was rejected vide order dated 05.08.2021. Subsequently, another application was preferred before the Sessions Court seeking modification of bail order, and the order dated 21.12.2019 was modified vide order dated 20.02.2023 by permitting the applicant to furnish a surety of Rs. 50,000/- without immovable property.

3. Learned advocate for the applicant submitted that the applicant is a permanent resident of Kerala and is not in a position to arrange surety in the sum of Rs. 50,000/-. He is in custody since 11.11.2019. Although he has been directed to be released on bail, for not complying with the condition of surety in the sum of Rs. 50,000/- the applicant has continued to remain in custody. The applicant is also restrained from leaving State of Goa.

4. Learned Additional Public Prosecutor submitted that the report

about the residential address provided by the applicant indicate that the address from Kerala provided by the applicant is not correct.

5. Learned advocate for applicant submitted that the surety amount be reduced to Rs. 10,000/-. The applicant would provide address about his residence at Kerala. Liberty be granted to applicant to prefer application seeking permission to visit Kerala before trial Court.

6. Considering the fact that the applicant is in custody from 11.11.2019 and despite bail being granted to him vide order dated 21.12.2019, the order of granting bail can be modified. Hence, the following Order:

ORDER

- (i) The order dated 21.12.2019 and 20.02.2013 passed by the learned Additional Sessions Judge, Mapusa are modified and the applicant is directed to be released on bail on furnishing PR bond in the sum of Rs. 10,000/- with one or more surety in the like amount.
- (ii) The applicant is permitted to apply for relaxation of condition to visit Kerala before the Court of Sessions.
- (iii) Application stands disposed of.

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