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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL. A. 253/2020

OBIANIKA AMOBI CHIJOKE

..... Appellant

Through: Mr. Maninder Singh, Advocate with
Ms. Aekta Vats, Advocate.

Versus

STATE (NCT OF DELHI)

.... Respondent

Through: Mr. Rajesh Manchanda, Advocate for
NCB.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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26.06.2020

Crl. M.(B) No.409/2020 (for suspension of sentence)

In compliance of the previous order, the NCB has filed affidavit dated 25.06.2020 which, in substance, says the following:

- a. That the appellant's passport has expired on 15.05.2018; and his visa has expired on 03.02.2014;
- b. That the FRRO has intimated that since the passport and the visa have both expired, the appellant would need to approach his Embassy for issuance of a fresh passport/travel document; and thereafter, the appellant will have to apply for a fresh visa, if he is to be enlarged on interim bail, failing which he will be treated as an illegal alien and be kept in a detention centre;
- c. The affidavit further states that the local address furnished by the appellant, where he proposes to live if enlarged on interim bail, has been verified, though the premises is not in

the name of Obumuneme Nwachukwu but in the name of his companion, a lady by name Rebika;

- d. That the address of the proposed local surety, Zonuthari, has also been verified and she is stated to living at RZ 68B/2 Gali No.07 Ragu Nagar Dabri, New Delhi (instead of RZ 68B as stated in the Aadhar card, a copy of which was annexed to the application.)

2. Mr. Maninder Singh, learned counsel for the appellant submits that as per his knowledge and information, foreign nationals who find themselves in a situation like that of the appellant, are ordinarily granted temporary passport/travel document by their concerned embassies, whereupon a X (Miscellaneous) Category Visa (which is a type of visa granted for other than a specified category) is granted by the FRRO so as to ensure that the person on bail does not become an illegal alien in the country.

3. In the circumstances, considering that appellant is a diagnosed case of HIV+ and is therefore in the high risk category of persons who may get infected if detained in prison; and considering the spiralling number of COVID+ cases being reported from prison, this court issues the following directions:

- a. The appellant is directed to approach his Embassy, namely the Nigerian High Commission, for obtaining a temporary passport or other appropriate travel document to facilitate obtaining a X (Miscellaneous) Category/other appropriate visa. This may be done by the appellant issuing a letter of authority to his counsel Mr. Maninder Singh and/or Ms. Aekta Vats, Advocates, who may then approach the Nigerian

High Commission on the appellant's behalf to process the issuance of a temporary passport/travel document;

- b. Thereafter the appellant is directed, through his counsel, to approach the FRRO for issuance of an appropriate visa under which he could avail interim bail in this matter;
- c. The Nigerian High Commission is requested, and the FRRO is directed, to cooperate in the expeditious disposal of the requests received for the above purposes;
- d. The NCB is directed, through Mr. Rajesh Manchanda, Advocate to furnish to the appellant's counsel his expired passport, which is stated to be in the custody of the NCB;
- e. The concerned Jail Superintendent is directed to facilitate the aforesaid process expeditiously, specifically in relation to getting a letter of authority signed by the appellant in favour of his counsel as aforesaid; and also for getting requisite number of passport-size photographs to process the requests for passport and visa.

4. Once the aforesaid steps are completed, further directions would be passed in the matter, as appropriate.

5. For the above purpose, list on 3rd July 2020.

ANUP JAIRAM BHAMBHANI, J.

JUNE 26, 2020

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