IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1401 OF 2018

Ebi Oka Orji @ Steve Andrew,
Age 23 years, R/o.RZ-C5A,
3rd Floor, Street No.3, Mahaveer Enclave,
Palam, New Delhi
(Presently lodged at Thane Central Jail) Applicant
versus
The State of Maharashtra Respondent

Mr.Ashish Baraskar for applicant.
Mr.R.M.Pethe, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 12th October 2018

PC :

1. The applicant is seeking bail in CR No.I-331 of 2017 registered with Vartak Nagar Police Station. The prosecution case is that the complaint was filed by the informant alleging that she had registered herself on Jain Matrimonial website through which she came across one Steve Mathew who is an Indian national. The complainant started telephonic as well as video call communication with the accused and there was friendship between them. The accused induced her to make payment of Rs.1,27,899/- under the pretext that he would send some gifts to her. The applicant was arrested. The investigation proceeded and subsequently charge sheet is filed.

2. Learned counsel for applicant submitted that the applicant has been falsely implicated in this case. It is a case of mistaken identity.

The offence is registered u/s 420 of Indian Penal Code which is at the most punishable with imprisonment for seven years. The offence under Section 66-D of Information and Technology Act is punishable with three years. It is submitted that the prosecution has made efforts to portray the applicant as main accused Steve Andrew. It is the case of prosecution that the complainant talked to Steve Mathew on video chatting as well as telephone and the said person was a fair Indian speaking person who was aged about 43 years, however, the applicant is a young Nigerian boy aged about 23 years and he has been made scapegoat in this case. Nothing is recovered from him. He is in custody from the date of arrest. Further detention is not necessary.

3. Learned APP submitted that thorough investigation was conducted which led to the involvement of applicant in the crime. It is submitted that modus of the accused was to induce the victim to part with amount. The link of the applicant is established through IP address and thus there is evidence to show that applicant is involved in the crime. It is further submitted that in the event of grant of bail. there is every likelihood that he would abscond.

4. I have gone through the documents. The prosecution case is that the informant was induced to part with amount after becoming friendly with the accused. The accused had made false representations and extracted Rs.1,27,899/-. The investigating agency has found that IP address was of Excitel Delhi Broadband. It was found that IP of Das Excitel Broadband was collected which belonged to the applicant. Another international number was also found while chatting with the complainant. It therefore appears that

the applicant is involved in the crime. The investigating authority has collected sufficient evidence against applicant. The applicant is in custody for a period of about ten months. But the mode used for committing the crime is required to be taken into consideration. In the circumstances no case for grant of bail is made out. Accordingly, Criminal Bail Application No.1401 of 2018 is rejected.

5. Considering the nature of crime, trial is expedited. The Trial Court is directed to conclude the trial within nine months from the date of receipt of a copy of this order.

(PRAKASH D. NAIK, J.)

MST