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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 25th April, 2019

+ BAIL APPLN. 396/2019

KELECHI KENNETH EYA @ EMMANUAL
HENRY

..... Petitioner

Through: Mr. R.A. Worso Zimik, Advocate

versus

STATE

..... Respondent

Through: Mr. Amit Ahlawat, APP with Insp.
Satyaman, PS Farash Bazar

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The petitioner was arrested in the course of investigation into first information report (FIR) no.24/2018 of police station Farsh Bazar under Section 420 read with Section 34 of Indian Penal Code, 1860 (IPC). He has been in judicial custody ever since. The police completed the investigation and submitted report (charge-sheet) under Section 173 of the Code of Criminal Procedure, 1973 (Cr. PC) in the court of the Metropolitan Magistrate on 20.03.2018, on which cognizance was taken and the petitioner alongwith certain others have been summoned as accused. The case (Sessions case no.48/2018) was eventually committed to the court of Sessions and is now pending before an Additional Sessions Judge at the stage of prosecution evidence. By order dated 06.12.2018, charges were framed against the persons sent up as accused, including the petitioner at hand for

offences under Section 120 B read with Section 419, 420, 489A, 489B, 489C, 489E, 34 IPC and substantive offences under Sections 420 IPC besides under Section 66 D of Information Technology Act. By the said very order, additional charges have also been framed, including against the petitioner herein under Section 14 B Foreigners Act. It may be mentioned here that the petitioner is a foreign national (a native of Nigeria) whose complicity with the co-accused persons is sought to be proved by the evidence which has been gathered, it including the recovery of a bag containing cash Rs.15,50,000/- which was part of the money which had been collected by the co-accused by defrauding the complainant Dr. Vijay Kumar, one Sandra Cage a foreign national who had befriended him on social media statedly being the master mind. The fake foreign currency has also been recovered during investigation.

2. Against the above facts and circumstances, particularly in view of the fact that the court of Sessions has found charge made out for above mentioned offences, which order has not been challenged, the argument of the petitioner that he is innocent and falsely implicated does not appeal to this court. Having regard to the gravity of the offences involved, the possibility of the petitioner fleeing from justice, this court finds no good reason to admit the petitioner on bail at the present stage of the criminal process. The view to that effect taken by the court of Sessions, by its order dated 16.01.2019, is endorsed. The bail application is dismissed.

R.K.GAUBA, J.

APRIL 25, 2019/yg