IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

CRIMINAL APPLICATION (BA) NO. 680 OF 2020
(Chima s/o Stanly Aligbe ..vs.. State of Maharashtra, through PS Akot City, Akola)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Shri A.S. Londhe, Counsel for the applicant,
Smt. S.S. Jachak, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.
DATED : 30-09-2020

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard.

3. The applicant is a Nigerian National and is in custody since 07-2-2020 in connection with Crime 377/2019 registered with Akot City Police Station, Akot for offences punishable under Section 420 of the Indian Penal Code and Section 14-A, B and C of the Foreigners Act, 1946.

4. Investigation is complete and the charge-sheet is filed.

5. It is alleged that the informant Shyam Bhuyar is the victim of fraud of which the applicant is the

mastermind. It is alleged that the informant became acquainted with some unidentified person on Instagram who disclosed her name as Sara Steven. The informant and the said person then started communicate on WhatsApp. The said person conveyed to the informant that she has a business in London and wishes to visit India to purchase certain items. She further conveyed that she has plan to set up business in India on large scale and that she would need the assistance of the informant. It is then alleged that the informant was conveyed by the said person that she has arrived in Mumbai and is required to pay certain custom charges to clear the goods luggage. On the said pretext, she induced the informant to deposit Rs.5,000/- in the account of one Lesham Poyam. The informant accordingly deposited the money in the account of the said Lesham Poyam. Thereafter the informant received e-mail purportedly from Standard Bank seeking the bank account details, which the informant furnished. Thereafter the informant received several e-mails purportedly from Standard Bank and was made to part with Rs.50,000/- on the pretext of payment of bank charges. The case of the prosecution is that it is the applicant who masterminded and executed the fraud.

6. Pursuant to the order dated 23-7-2020 (Coram : Vijay Joshi, J.), the applicant has deposited Rs.50,000/- and agrees that the said amount may be paid to the

complainant without prejudice to the submission that the applicant has done no wrong and is falsely implicated.

7. Considering that the investigation is complete and the charge-sheet is filed, there is no reason why the applicant should languish in jail.

8. However, stringent conditions shall be imposed to ensure that the applicant is available to face the trial, particularly since he is a Nigerian National.

9. The application is allowed.

10. The applicant shall furnish personal bond of Rs.1,00,000/- and shall furnish two local sureties of impeccable character to the satisfaction of the trial Court.

11. The applicant shall surrender his Passport to the jurisdictional police station.

12. The applicant shall not make any attempt to influence the witnesses, directly or indirectly.

13. Considering that the applicant is a Nigerian National, the trial Court shall endeavour to complete the trial as expeditiously as possible.

14. The applicant shall attend each date of hearing of the trial and shall not seek unnecessary adjournments.

15. The applicant shall not leave the country without the permission of the trial Court.

16. The amount deposited may be paid to the complainant.

JUDGE

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