

28.01.2022

Sl. No. 04.

Mithun

Ct.No.42.

CRM(SB)/13/2022

(Via Video Conference)

In re: An application under Section 439 of the Code of Criminal Procedure, 1973 in connection with Bidhannagar Cyber Crime Police Station Case No.63 of 2020 dated 01.08.2020 under Sections 419/420/120B of the Indian Penal Code, adding Section 14(A) of Foreigners Act, 2004 and adding Sections 468/471 of the Indian Penal Code (Corresponding to G.R. Case No.471 of 2020)

In the matter of : **Edwin Ngoesine Anidesh.**

...Petitioner.

Mr. Kuldeep Rai, Adv.

Mr. Aniruddha Singh Rajawat, Adv.,

Mr. Ankur Jain, Adv.

Mr. Surakshit Nagar, Adv.

...for the Petitioner.

Mr. Rudradipta Nandy, Adv.

...for the State.

It is submitted by the learned Advocate for the petitioner that since the date of arrest, the petitioner, a Nigerian National is in custody. His wife is staying alone in Delhi with their two years old daughter. The wife of the petitioner is seriously ill. Medical record annexed with the application for bail shows that the wife of the petitioner became pregnant about two years back. However, her pregnancy got terminated naturally. Subsequently it was detected that she is having fibroids in the uterus causing excessive menstrual bleeding. It is submitted by Mr. Kuldeep Rai, learned Advocate for the petitioner that there

is nobody to look after the wife of the petitioner. She even cannot perform her day to day work. She has no money to spend for her and their minor daughter's livelihood. She even cannot get herself medically treated on her own. Accordingly, for the purpose of medical treatment of his wife, the petitioner should be released on bail.

The learned Public Prosecutor-in-Charge, on the other hand, has raised serious objection against the prayer for bail of the petitioner.

It is found from the case diary that initially the petitioner came to this Country with Indian Visa, which expired on 29th December, 2015. Since then he has been illegally overstaying in this Country violating provision of the Foreigners Act as well as Indian Passport Act. The specific act alleged against the petitioner deserves a special mention. He created a fake account in an online portal under the name and style of 'Sangam.com'. Then through Internet he introduced himself in a fictitious name of one Kamlesh Patel and befriended with different ladies. Then he used to cheat them in an innovative way saying that he wanted to send gifts to them from foreign Countries and for which they would have to pay some amount. After receiving such amount once or twice, he used to disconnect all communications with the victims.

It is also learnt that the trial of the case is on the verge of completion. The evidence of the Investigating Officer is only pending to be recorded.

Considering all such circumstances, I am not inclined to release the accused on bail at this stage. However, the Trial Court is directed to complete the recording of the evidence of the Investigating Officer within one month from the date of communication of this order and deliver judgment within one month thereafter.

(Bibek Chaudhuri, J.)