

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 122 OF 2023**

Biyu Nyamaembelo Octavie ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. P. G. Sabnis for the Applicant.
Mr. P.H. Gaikwad Patil, APP for the State.

.....

CORAM : N.R. BORKAR, J.
DATED : 3 MARCH 2023

P.C. :-

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 110 of 2021 registered at Wakad Police Station, Pune for the offences punishable under Sections 419, 420 r/w 34 of Indian Penal Code and Sections 66C, 66D of Information Technology Act.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. According to the complainant, one Dr. Arjun Gopal contacted her through Matrimonial App and proposed to marry her. It is alleged that he then on one pretext or other told her to send him certain amount. It is

alleged that said Dr. Arjun Gopal cheated the complainant to the tune of Rs. 12,29,400/-. During the course of investigation, the profile registration address on the said APP was found to be the residential address, where the applicant was residing. It appears that during the course of investigation, laptop, pen-drive of the husband of the present applicant came to be seized, in the pen-drive photograph of the complainant was found.

5. The applicant and her husband are foreign nationals. It is not the case of the complainant that Dr. Arjun Gopal, with whom she talked on video call was not an Indian, but a foreign national. The applicant is in jail for six months. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on cash security of Rs. 50,000/-.
- (iii) The applicant shall submit residential address where she is going to reside after her release and mobile number to the concerned police station.

(N.R. BORKAR, J.)