



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 485 OF 2023

MICHEAL CHIBUJI OKHONKO

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

Mr. Vishal Hegde a/w Mr. R.P. Shirole and Mr.Akshay Naik, for
the Applicant.

Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 14, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under sections 419, 420 read with 34 of the Indian Penal Code, 1860 and under sections 43, 66, 66C, and 66D of the Information Technology Act, 2000 registered on 16/08/2021 vide C.R. No.42 of 2021 with South Region Cyber police station, Mumbai. The applicant was arrested on 31/10/2021.
- 3.** The applicant is a Nigerian national. It is the case of the prosecution that the present applicant along with

accused Dinesh Ramvaraj Jatab, Prabhansu Mohansingh Jatab, Ravi Hautamsingh Raje, Sameer, Mohd. Ismail Ansari, Anup Tiwari and Martin conspired to commit online fraud and unauthorisedly hacked bank account of the deceased person in Bank of Bahrain and Kuwait, Branch at Mumbai. An amount of Rs. 5,09,78,742/- was fraudulently transferred in the account of persons in different banks. The applicant was arrested on 31/10/2021. Upon investigation, it was revealed that the applicant was actively involved in the said online fraud and he was arrested from his residence at Delhi.

4. Learned counsel for the applicant submitted that the applicant is not the main accused. It is submitted that monetary trail does not demonstrate that fund flow came in the account of the present applicant. Learned APP while opposing the application submitted that the passport and visa of the applicant has expired. It is further submitted that there are adequate materials on record to show the complicity of the applicant.

5. For the alleged offence maximum punishment prescribed is 7 years rigorous imprisonment. The applicant

is in custody for more than 2 years with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. In my opinion, the applicant can be enlarged on bail but by imposing stringent conditions. Learned counsel for the applicant on instructions undertakes that the application for renewal of the passport and visa will be made within a period of 15 days from the date of the release of the applicant and the applicant shall co-operate with the concerned authorities. Statement is accepted as an undertaking to this Court. Hence, the following order :-

ORDER

- (a) The application is allowed.

- (b) The applicant-Micheal Chibuji Okhonko in connection with C.R. No. 42 of 2021 registered with Cyber Police Station, South Mumbai shall be released on bail on his furnishing P.R. Bond of Rs.1,00,000/- with one or more local sureties in the like amount.

- (c) The applicant shall attend the investigating officer of Cyber Police Station, South Mumbai once in a week on every Sunday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) Prior to release of the applicant, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(f) The applicant shall not leave the jurisdiction of Mumbai/Mumbai Suburban District without permission of the trial Court.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall apply for renewal of the passport and visa within 15 days from the date of his release and abide by the orders that may be passed in that regard. If the passport is renewed, the applicant shall surrender the same to the trial Court.

(i) The applicant may apply for modification of the condition of reporting to the investigating officer at the later stage.

6. The application is disposed of.

(M. S. KARNIK, J.)