



Crl.O.P.Nos.6679 & 6687 of 2023

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A.D.JAGADISH CHANDIRA.,J.

The petitioners/A1, A2, who were arrested and remanded to judicial custody on 08.12.2022 and 21.01.2023 respectively, for the offences punishable under sections 66(c), 66(D) of Information Technology Act, 2000 r/w. Section 34, 406, 419, 420, 464, 468 of IPC in Crime No,38 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant one Bavithra who is said to be working at Infosys Chennai, had lodged a complaint with the respondent police on 02.12.2022, alleging that she had applied for job opportunities across the globe. In such event, one Richard Wilson who is identifying him, as an officer of British Embassy contacted her through e-mail and wanted her to participate in the recruitment and was asked to fill in application along with all educational certificates. Later the defacto complainant was interviewed and was told that she was selected to the post of "System Engineer" and she was further asked to go for an interview via"skype". It is further alleged that, thereafter on 20.10.2022 an appointment order was also sent to the defacto complainant. Thereafter, it is



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alleged by the defacto complainant that on various occasions one Elizibeth Florence, Alexzandar Ellis, Oliver Ballalchhat, identifying themselves as an Officers of British Embassy have asked the defacto complainant to pay money assigning one reason or other, and that she was also paying the same through bank transactions on various dates as instructed. Accordingly, in total, the defacto complainant is said to have paid Rs.35,93,906/-. When the defacto complainant got suspicion and she wanted all her visa process to be cancelled and to refund her money paid, she was informed to pay an further amount for such cancellation. The defacto complainant having found that she had been cheated and lodged a complaint with the respondent police and as such, the respondent police have registered an FIR under sections 66(c), 66(D) of Information Technology Act, 2000 r/w. Section 34, 406, 419, 420, 464, 468 of IPC against Elizibeth Florence, Alexzandar Ellis and Oliver Ballalchat. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely roped in this case based on suspicion. He would further submit that investigation has been completed and the final report has been filed before the concerned Court. He



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would also submit that the petitioners to show their bonafides are ready and willing to deposit entire alleged amount stated to have been cheated by them and they are also ready to surrender their passports and ready to abide by any stringent condition that may be imposed on them. He would submit that the petitioner/A2 in Crl.O.P.No.6679 of 2023 is in judicial custody from 21.01.2023 and the petitioner/A1 in Crl.O.P.No.6687 of 2023 is in judicial custody from 08.12.2022, hence, he prays to grant bail to the petitioners.

4. Mr.Ramachandra Murthy, learned Additional Public Prosecutor assisted by Mr.Alexzander learned Government Advocate representing the respondent would submit that the petitioners who are Nigerians along with an Indian A3 impersonating as the High Commissioner, Deputy High Commissioner and Visa issuing authority of the British High Commission had induced the defacto complainant on the false assurance of giving her job in British High Commission in UK and received Rs.36 lakhs and cheated the defacto complainant. He would submit that the respondent with great difficulty have arrested the petitioners. He would submit that during the course of investigation, it has been found that A2 is Uganda National and A1 is Nigerian National and they have been loitering in India from the year 2013



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without valid visa and they have been impersonating as high officials of the British High Commission, have cheated the defacto complainant. He would submit that Passport produced by the petitioners, at the time of arrest, was found to be fake and they have suppressed the original passport. He would submit that in the event of granting bail to the petitioners, there is every possibility of them absconding and fleeing away from the administration of justice. He would further submit that investigation has been completed and the case has been taken up for trial in CC.No.104 of 2023. He would further submit that the respondent police shall be able to complete the trial at the earliest and he would reiterate that there is a flight risk of the petitioners, hence, he opposed for grant of bail to the petitioners.

5. Heard the learned Counsel for the petitioners and the learned Additional Public Prosecutor and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and that this Court finds that the petitioners are foreigners and it is also stated by the learned Additional



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Public Prosecutor that there is every chance of the petitioners fleeing away from the justice, this Court is not inclined to grant bail to the petitioners.

7. Accordingly, these Criminal original Petitions are dismissed.

24.03.2023

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