

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M No. 63618 of 2023 (O&M)
Date of Decision: 25.01.2024**

Ignatius Ngosine Udekwe and another
..... Petitioners

Versus

State of Haryana
..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Tarun Singhal, Advocate, for the petitioner.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana
assisted by ASI Anil Kumar.

HARKESH MANUJA, J. (ORAL)

The petitioners, by way of present petition filed under Section 439 Cr.P.C., seek grant of regular bail pending trial in case bearing FIR No.0018, dated 31.03.2023, under Sections 419, 420 & 120-B of IPC (Section 66D of IT Act and Section 14 of Foreigners Act added later on), registered at Police Station Cyber South, District Gurugram, wherein they have been implicated on the basis of disclosure statement of co-accused, namely, Shiva Jadhav and Sunita for having cheated through online fraud.

[2] Learned counsel for the petitioners submits that the petitioners are behind the bars since 18.05.2023 and the investigation already stands concluded with the filing of challan followed by framing of charges. He further submits that no recovery has been effected from them and the bank account, which was used in the alleged fraud, never belonged to the petitioners. It is also submitted that the petitioners are languishing in jail on account of non-appearance of the **complainant-Samiksha Subhadarsini**,

who is not coming forward to make her deposition despite warrants having been issued against her.

[3] On the other hand, learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioners, while submitting that the petitioners were implicated on the basis of a CCTV Footage, wherein they are clearly identifiable. He further submits that from petitioner No. 1 (Ignatius Ngosine Udekwe), recovery of 13 debit cards, 5 passbooks and 6 mobile phones have been effected, which even includes the passbook, debit card and mobile phone of the complainant. He also points out that one of the mobile phone recovered in the present case from the petitioners has been used in almost 140 FIRs and 2814 complaints of transactions. He also points out that there has been recovery of one mobile phone alongwith SIM card from petitioner No. 2 (Gabriella Sharmila) which was used in the offence in question.

[4] After hearing learned counsel for the parties and going through the paper-book, I am unable to find substance in the submissions made by learned counsel for the petitioners.

[5] In the present case, allegations are of online fraud against the petitioners, whereby a sum of Rs. 1,73,500/- was got transferred by them through online fraud with the complainant. Although, details of 140 FIRs wherein the mobile(s) recovered from petitioner No. 1 with IMEI No. (i) 860474062138215 / 07; (ii) 866778045617838 / 866778045617820; (iii) 861831055451658 / 861831055451641; (iv) 869260039690797 / 869260039690789; (v) 355168716245655 / 355168716245648; and (vi) 354294860854919; one mobile recovered from petitioner No. 2 having IMEI

No. 350138381754998 with SIM Mobile No 8448655863, have been used are not given, however, the mobile with IMEI numbers, as mentioned above, have been used in 140 frauds and the same have been recovered from petitioner No.1; considering the nature of offence, criminal history- antecedents of the petitioners and the frequency of the online frauds happening in the society also, besides there being direct evidence connecting the petitioners with the alleged offence in the shape of mobile phone, cheque book, passbook and debit card pertaining to the account of complainant been recovered from the petitioners, in which the alleged amount of fraud was deposited, this Court is not inclined to accept the prayer of the petitioners.

[6] Consequently, the petition is hereby **dismissed**.

January 25, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>