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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1092/2024**

MR. KELVIN OKAF UR GUIGE applicant
Through: **Ms.Seema Durrans, Mr.Syal**
Hasan Isfahani, Adv.

versus

THE STATE NCT OF DELHI Respondent
Through: **Mr.Aman Usman, APP with**
SI Richa Sharma.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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22.05.2024

1. This application has been filed under Section 439 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') praying for the applicant to be released on bail in FIR No.34/2023, registered at Police Station: Cyber-North, Delhi, for offence under Section 420 of the Indian Penal Code, 1860 (in short, 'IPC').
2. The FIR in question has been registered on a complaint from the complainant, stating that an unknown person had contacted her through Instagram by the profile named 'Pilot Anthony Martinez' and claimed to be a Pilot with the British Airways in London. He slowly befriended the complainant and trapped her with the promise of marrying her. He even made calls to the complainant on Whatsapp through an international number and later, on the pretext of sending expensive gifts to the complainant, duped her of Rs. 6,77,870/- claiming it to be the security charge and other



charges for the gifts. Later, when the complainant did not receive any gifts, she realized that she had been cheated.

3. The learned counsel for the applicant submits that the applicant has been in custody in the present case since 01.06.2023. He has been implicated in the present case only on the basis of the recovery of a SIM card, which is alleged to be connected with the offence, however, the report in this regard is still awaited.
4. He further submits that the applicant, if released on bail, is ready and willing to report to the Investigating Officer (IO) on a weekly basis. He submits that the co-accused is already released on bail.
5. On the other hand, the learned APP submits that the investigation is still ongoing, including to find out the bank accounts that relate to the SIM card that has been recovered from the applicant. He submits that the applicant had been arrested in another FIR, being FIR No.314/2022 registered at Police Station: Sector 20, Noida for offence under Sections 420/419/34 of the IPC, for committing the same kind of offence, and it is stated that recovery of the SIM Card has been made in the said case. He further submits that there are 18 different complaints found on Cyber portal registered throughout India against the bank accounts involved in this case. However, the status report also states that the status of the same is being verified.
6. I have considered the submissions made by the learned counsels for the parties.
7. As noted hereinabove, the applicant has been in custody since



01.06.2023; and that the investigation is still ongoing, including on the verification of the bank accounts that are stated to be involved in crime.

8. Status report also states that the Call Data Records (CDR) and SIM card used in operating the bank accounts as well as the alleged Instagram and Whatsapp, has been applied for by the prosecution and the certified copies are still awaited .
9. In view of the above, the applicant is directed to be released on bail in the aforesaid FIR No.34/2023, registered at Police Station: Cyber-North, Delhi, under Section 420 of the IPC, on furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the learned Trial Court, and further subject to the following conditions:
 - i. The Applicant will not leave the country without the prior permission of the learned Trial Court.
 - ii. The Applicant shall provide his permanent address to the learned Trial Court. The applicant shall also intimate the Court, by way of an affidavit, and to the IO regarding any change in his residential address.
 - iii. The Applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The Applicant shall provide all/latest/fresh mobile numbers to the IO concerned, which shall be kept by the applicant in a working condition at all times and shall not be switched off or changed by him without prior intimation to the Ld. Trial Court and the IO concerned.



- v. The applicant shall report to the IO/Duty Officer of the Police Station on every alternate Saturdays.
 - vi. The applicant shall not communicate with or come in contact with any of the prosecution witnesses, the victim or any member of the victim's family or tamper with the evidence of the case while being released on bail.
 - vii. The applicant shall not indulge in any criminal activity.
10. Needless to state, any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on the merits of the matter.
11. The bail application is disposed of in the above terms.
12. A copy of this order be sent to the Jail Superintendent for information and necessary compliance.
13. *Dasti.*

NAVIN CHAWLA, J

MAY 22, 2024
RN/RP

Click here to check corrigendum, if any