

Shabnoor

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

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BAIL APPLICATION NO.3998 OF 2024

Okoro Christian	... Applicant
V/s.	
State of Maharashtra	... Respondent

**WITH
BAIL APPLICATION NO.187 OF 2025**

BI German Zha	... Applicant
V/s.	
State of Maharashtra	... Respondent

Mr. Advait Tamhankar, for the applicant in
BA/3998/2024.

Mr. Rajendra Bidkar, for the applicant in BA.187/2025.

Ms. Megha S. Bajoria, APP for the State – respondent.

Mr. P. L. Abhang, I.O., Panvel City Police Station is
present.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 23, 2025

P.C.:

1. These are applications filed by the applicants under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking their release in connection with Crime Register No. 532 of 2023 registered with Panvel City Police Station. The applicants are booked for offences punishable under Sections 420, 467, 468, 471

read with Section 34 of the Indian Penal Code, 1860, Sections 66(c) and 66(d) of the Information Technology Act, and Section 14(A) of the Foreigners Act read with Section 1(c) of the Passport Act.

2. The case of the prosecution, in short, is that the complainant, Mrs. Apte, was cheated by unknown persons through a fraudulent scheme involving social media and false promises about a parcel containing money and valuables. On 10 August 2023, she accepted a Facebook friend request from one Atul Kumar. Thereafter, they exchanged messages on Facebook Messenger, later shifting to WhatsApp after sharing mobile numbers. Atul Kumar allegedly used a UK-based number +44 7469555497 to communicate with her. Over a period of time, their relationship turned into a romantic one, and Atul Kumar claimed to have sent her a gift parcel as a token of affection. He sent her a photograph of the parcel and a shipping receipt on WhatsApp, further stating that Rs. 25,000 was needed for customs clearance, which he claimed was also enclosed in the parcel in UK currency.

3. On 23 September 2023, the complainant received a call from mobile number 9650490518. A woman, claiming to be an official from Indira Gandhi International Airport, informed her about the parcel and demanded Rs. 25,500 for its release. The complainant paid the said amount in six transactions. Thereafter, she was told that the parcel contained foreign currency and that a clearance fee of Rs. 1,00,000 was required. She paid this amount in 20 transactions.

4. Later, she was informed that the parcel contained 2 kg of gold, and she was asked to pay a penalty of Rs. 3,00,000, which was then negotiated to Rs. 2,00,000. This amount too was paid by her in 40 transactions on 26 September 2023.
5. Subsequently, the said woman again contacted her and claimed that only Rs. 1.75 lakh had been received and demanded a balance of Rs. 25,000. The complainant refused to pay this further amount. When she informed Atul Kumar, he insisted that she should make the payment. The complainant's daughter, upon suspicion, found an Instagram profile under the name Mukesh Patel with a photograph resembling Atul Kumar. It then became clear that Atul Kumar and the woman impersonating as an airport official had conspired to cheat her. In total, the complainant was cheated of Rs. 3,25,000, and thereafter, she lodged a complaint at Panvel City Police Station against the present applicants.
6. The learned advocate for the applicants submitted that apart from a panchnama prepared at Mumbai in connection with a raid at Delhi, and a reference to a call made by one of the accused to a parcel delivery company, Zomato, there is no direct material to implicate the applicants in the alleged offence. It is further argued that the applicants were arrested on 19 October 2023 and the charge sheet has already been filed, which shows that investigation is complete. It is also pointed out that the passports and visas of the applicants are in the custody of the investigating agency. Hence, the applicants seek release on bail.

7. On the other hand, the learned APP opposed the applications. It is submitted that the offences are of serious nature. The applicants have not given a satisfactory explanation for their stay in India, despite being foreign nationals. The prosecution contends that the applicants are part of a larger racket of accused persons engaged in such offences, and there is enough material to connect them with the present crime. It is further submitted that since the applicants are citizens of Nigeria, there is a grave risk of their absconding if released on bail. Hence, it is prayed that the bail applications be rejected.

8. I have considered the submissions of both sides and perused the record. The allegations against the applicants are of cheating and forgery committed through online platforms. The charge sheet has already been filed. This indicates that the investigation is complete.

9. It is not the case of the prosecution that any further custodial interrogation of the applicants is required. The passports and visas of the applicants are already in the custody of the investigating agency, which will ensure that they do not leave the country without due permission.

10. The applicants are in custody since 19 October 2023. The trial is likely to take time. Continued incarceration of the applicants will not serve any further purpose once the investigation is complete.

11. The apprehension of the prosecution that the applicants may abscond can be addressed by imposing strict conditions while

granting bail.

12. Considering the overall facts and circumstances, I am of the view that further detention of the applicants is not necessary. They deserve to be released on bail with appropriate safeguards.

13. Hence, following order :

(i) The Bail Applications are allowed.

(ii) The applicants, *Okoro Christian*, and *BI German Zha* shall be released on bail in connection with Crime Register No. 532 of 2023 registered with Panvel City Police Station, for offences punishable under Sections 420, 467, 468, 471 r/w 34 of IPC, 66(c) and 66(d) of the Information Technology Act, and Section 14(A) of the Foreigners Act read with Section 1(c) of the Passport Act, upon furnishing a Personal Bond of ₹25,000/- (Rupees Twenty-Five Thousand only) each, along with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court, subject to the following conditions:

(a) The applicants shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness.

(b) The applicants shall attend all proceedings before the Trial Court regularly, unless exempted by the Court on valid grounds supported by sufficient cause.

(c) The applicants shall report to the Panvel City Police Station, on the first Monday of every month between 10.00

a.m. and 12.00 noon, until further orders.

(d) The applicants shall not leave the territorial limits of the State of Maharashtra and the Country without prior written permission of the Trial Court.

(e) The applicants shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(f) The applicants shall, at the time of furnishing surety, provide their current residential address and mobile number to the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

14. The Bail Applications are accordingly disposed of in above terms.

(AMIT BORKAR, J.)