



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPLN) NO. 27 OF 2025

Emeka Paulinus Udenze Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Madan Damodhar Puranik, counsel for applicant.

Mr. D.V. Chauhan, Public Prosecutor (Senior Counsel) a/b Ms. Ritu Sharma, APP for State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 07/05/2025.

1. By this application, the applicant seeking relaxation and modification of the condition of bail.
2. The present applicant came to be arrested on 21/05/2023 for the offence punishable under Sections 406, 419, 420 of the Indian Penal Code, 1860 and under Sections 66(C), 66(D) of the Information Technology Act read with Section 14 of the Foreigner Act, 1946 in Crime No. 17/2023 registered at P. S. at Cyber Police Station, Nagpur City, on the basis of the complaint filed by one Mrs. Priya Digambar Gondane dated 18/03/2023.
3. The applicant was granted bail by the learned Judicial Magistrate First Class, Nagpur, vide order dated 19/06/2023, directed the applicant/accused to be released on bail by executing a personal bond and surety bond of Rs. 50,000/- and also directed that he shall stay at Special Camp notified by the Government for the Foreigner until any order is passed by the State or Central Government in

nexus with the present accused/applicant along with other conditions.

4. The learned counsel for the applicant submitted that the applicant's Visa, under which he entered India, has expired, and no order has been passed by the State or Central Government regarding its extension or the applicant's stay limits. There is no such Detention Center, and therefore, the applicant be released and be permitted to proceed to his native place. He prayed that by modifying the condition No. 3 in order dated 19/06/2023 passed by the learned Judicial Magistrate First Class (Court No.6), Nagpur, in Crime No. 17/2023 be relaxed and he be released from the Detention.

5. The learned Public Prosecutor strongly opposed the said application and submitted that if he is released on bail by relaxing the condition, it would be difficult to secure his presence, and the trial would be held up.

6. The learned Public Prosecutor has placed reliance on the Government Notification dated 25/07/2024 and submitted that, the Detention Centers are available at Bhoiwada, Mumbai, with a capacity of 80 people, and Taloja, Mumbai, with a capacity of 213 people.

He further submitted that till the State or Central Government shall passes any appropriate orders as to the applicant to send him to his native place, i.e. Nigeria. Therefore, he be kept in the said Detention Center either

Bhoiwada, Mumbai or Taloja, Mumbai, till then even the trial can be disposed of.

7. The learned counsel applicant submitted that in that condition, the trial Court shall dispose of the trial at the earliest.

8. In view of the above, as the Visa of the present applicant is expired, therefore, the applicant be kept in the Detention Center at Taloja, Mumbai, till the State or Central Government shall passes any appropriate orders to that extent.

9. The trial Court shall also dispose of the trial at the earliest, considering that it would be difficult if he is released in view of the order of the State or the Central Government.

10. The P. S. at Cyber Police Station, Nagpur City, shall shift the applicant at Taloja, Mumbai Detention Center till further orders.

11. The trial Court shall secure his presence through video conferencing for trial purpose.

The criminal application is disposed of.

[URMILA JOSHI-PHALKE, J.]