

IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 17th OF NOVEMBER, 2022

MISC. CRIMINAL CASE No. 46297 of 2022

BETWEEN:-

**CHRISTIAN EDIKE S/O
ANDOKA EDIKE, AGED ABOUT
40 YEARS, OCCUPATION:
BUSINESS, R/O KRISHNA PARK
DEVLI ROAD, TIGRI, DELHI.
PERMANENT ADDRESS: HOUSE
NO. 05 IMUDIA STREET
EBGORO, NIGERIA (OTHER
COUNTRY)**

.....APPLICANT

***(MS. NIMISHA DUBEY, LEARNED COUNSEL FOR THE
APPLICANT)***

AND

**THE STATE OF MADHYA
PRADESH STATION HOUSE
OFFICER THROUGH POLICE
STATION CYBER CELL, UJJAIN
(MADHYA PRADESH)**

.....RESPONDENT

***(MS. MARDULA SEN, LEARNED PL APPEARING ON BEHALF OF
ADVOCATE GENERAL)***

*This application coming on for hearing this day, the court
passed the following:*

O R D E R

Heard on IA.No.14597/2022, which is an application for taking additional documents on record.

Above documents may be relevant for proper adjudication of this bail application, therefore, IA.No.14597/2022 is allowed and documents are taken on record.

This is the first bail application under Section 439 of the Code of Criminal Procedure, 1973 filed on behalf of the applicant for grant of bail. The applicant is in custody since 03/04/2022 in connection with Crime No.427/2019 registered at Police Station – Cyber Cell, District Ujjain (M.P.) for commission of offence punishable under Section 419, 420, 467, 468, 201, 120-B of the Indian Penal Code, 1860 read with Section 66-D of the Information Technology Act, 2000.

As per prosecution story, an FIR was launched by the complainant Anuradha by stating that on the Social Media she met one Louis Dirk (from Scotland, UK). Louis was in touch with her on the social media platform i.e. on Facebook and after chatting for long time she fell in love with Louis, who promised her that he will come to India to do marriage with her. Louis called the complainant and pursuant to that a fake call was received by the complainant from alleged Income Tax Department, Delhi stating that Louis is in custody and gold as well as iPhone is seized from him in money

laundering. In that call, the complainant was told to pay a sum of Rs.6,60,000/- to release the Louis. Pursuant to this the complainant got a phone call from an advocate of Louis after which Rs.6,60,000/- were deposited in different accounts and there was never any communication from Louis after that. During the investigation, it has been gathered that an amount of Rs.2 Lacs has been transferred in the account of co-accused Vinay. It is also gathered that present applicant Christian Edike was chatting with the complainant by claiming and impersonating himself as Louis. He has fraudulently provoked the complainant to deposit an amount of about Rs.67 Lacs in various bank accounts. Accordingly, offence has been registered against the present applicant.

Learned counsel for the applicant submits that the applicant is an innocent person and he has been falsely implicated in this offence. He is in custody since 03/04/2022. When the aforesaid chatting was done with the complainant, the present applicant was in judicial custody at Bathinda Jail in some other case. He has been made accused only on the basis of memorandum under Section 27 of the Evidence Act given by the co-accused Sohan Singh. No offence is made out against him. Nothing has been recovered from his possession. Investigation is over and charge sheet has been filed. And final conclusion of the trial is likely to take sufficient long time. Under the above circumstances, prayer for grant of bail may

be considered on such terms and conditions, as this Court deems fit and proper.

Per contra, learned counsel for the respondent / State opposes the bail application and prays for its rejection by submitting that applicant is Nigerian citizen. He is a habitual offender. He has committed such type of forgery with so many persons. Other co-accused persons are still absconding in the matter. Hence, the applicant is not entitled to be enlarged on bail.

Perused the impugned order of the trial Court as well as the case diary.

After considering all the facts and circumstances of the case, nature and gravity of offence, arguments advanced by the learned counsel for the applicant and also taking note of the fact that applicant is a citizen of Nigeria. Applicant has filed so many documents and from perusal of the order passed by the High Court of Punjab and Haryana dated 21/10/2016 in Criminal Misc. No. M-36260 of 2016 it appears that in that case applicant has been enlarged on bail in the year 2016 and also perusal of the order sheet dated 19/04/2017 of Sessions Judge, Bathinda it reveals that applicant was on bail on said date, therefore, argument advanced by learned counsel for the applicant cannot be accepted that at the time of commission of offence, applicant was in judicial custody in other case.

In the instant case, fraud of Rs.67 Lacs has been committed by the applicant. So many other offences have also been registered against the applicant, therefore, it is sufficient to show that applicant is a habitual offender. Some of the co-accused persons are still absconding in the matter.

In view of the *prima facie* evidence available on record against the applicant, without commenting upon the merits of the case, at this stage, this Court is not inclined to grant bail to the present applicant. Accordingly, the first bail application preferred under Section 439 of Cr.P.C. is hereby rejected.

Certified copy as per rules.

(ANIL VERMA)
J U D G E

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