HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.3748 of 2019

<u>O R D E R</u>:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 is filed by the petitioner, who is A.4, for grant of anticipatory bail in the event of his arrest in Crime No.102 of 2018 of Cyber Crime Police Station, Rachakonda, Ranga Reddy District, registered for the offences punishable under Sections 417, 420 r/w. Section 34 of IPC and Sections 66-C, 66-D of I.T. Act, 2000-2008.

The case of the prosecution is that, basing on the complaint dt.14.11.2018 lodged by Yedella Sahas Reddy, stating that the complainant and others were cheated in the hands of the accused persons, including the petitioner/A.4, to a tune of Rs.45.00 Lakhs and more and the confession statements of accused in Crime No.115 of 2018 of Cyber Crime, Rachakonda, reveals the role of the petitioner in this case, while acting as an employee of EPC–e-Commerce & CEO of Day2Dream, a Multilevel Marketing Companies, the police registered Crime No.102 of 2018 for the aforesaid offences against the petitioner/A.4 and other accused.

Heard learned counsel for the petitioner/A.4 and the learned Additional Public Prosecutor appearing for the respondent State. Perused the material on record.

Learned counsel for the petitioner contends that the petitioner is innocent of the alleged offences and he has not committed any offence as alleged and he has been falsely implicated in the above crime. It is also contended that there are no allegations against the petitioner about payment of money into his account or receiving of cash from the victims, except mentioning his name in the complaint as well as the requisition filed by the police for P.T. Warrant. It is also contended that the allegations in the complaint of LW.1 is that he paid amount to EPC-e-Commerce for an amount of Rs.35,00,000/-, thereafter he went to Tirupati for free IDs and there he paid Rs.1,05,000/- for Rs.3,15,000/- worth of free IDs, and there is no mention about the presence of the petitioner. It is contended that the petitioner has no crypto currency business and he is not an account holder of the alleged account numbers. It is further contended that the petitioner is ready to abide by any conditions imposed by this Court, including assisting the investigating agency for his release on anticipatory bail in the event of his arrest in the above crime.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the relief sought in the above petition.

A perusal of the report of the Inspector of Police, Cyber Crime Police Station, Rachakonda, reveals that the petitioner/A.4 established a company, in the name and style of “Day2Dream”, a Marketing Digital Company at Tirupati and the value of the IDs are Rs.9,000/-, Rs.27,000/-, Rs.52,500/- and Rs.1,05,000/-, that if the customers deposit the amount in the said company, they will get double the amount within six months, they believed the fictitious words of the petitioner and all went to Tirupati along with Shanker and met the petitioner/A.4 in Day2Dreams office, where the petitioner illustrated the details of the said company and arranged S.V. Info Tech account details and thus, the petitioner lured the victims to deposit the amount and he gave assurance to them and believing his words, the victims deposited huge amounts and obtained IDs, that the petitioner gave benefit for a period of two weeks and stopped and later the company was also closed.

Thus, looking into the nature of allegations levelled against the petitioner that he has lured the victims and made them to deposit huge amount of money and thereby cheated them, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, this Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G. SRI DEVI

30.07.2019.
Msr

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30.07.2019
Msr