HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.7596 of 2019

ORDER :

Petitioner, who is the accused in Cr.No.239 of 2018 on the file of the S.H.O. Cyber Crime Police Station, Cyberabad District, registered for the offences punishable under Sections 417, 419, 420 IPC and 66, 66-C and 66-D of I.T. Act, filed this petition under Section 438 Cr.P.C. seeking anticipatory bail.

2. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent State.

3. The complainant lodged a complaint alleging that he received a phone call from unknown lady to his mobile phones, who introduced herself as Ms.Shradda from traders TFX accounts Manager and explained about forex trading and benefits and that they would charge only for profits and asked to update his proofs such as PAN, aadhar, bank account details, on which the complainant uploaded the details and believing their words, the complainant furnished his bank account details and he has transferred money of Rs.37,00,000/- and later he did not get any reply from them and the website is not accessible on which the complainant realized that he was cheated.

4. Learned counsel for the petitioner submits that the eldest son of the petitioner was arrested in Cr.No.239

of 2018, dated 08.10.2018 filed before the XVI Metropolitan Magistrate, Kukatpally Court, Ranga Reddy District on 11.10.2018 at Mumbai and subsequently, he was released on bail on 30.10.2018. He further submits that his son and 10 others were arrested by Unit 3 of Detective Crime Branch, Mumbai police on 26.07.2018 on the basis of a private complaint in Cr.No.41 of 2018 of Matunga Police Station, Mumbai and at the time of arrest of those persons, Mumbai police have also taken statements from 63 employees working in the firm of his son and Mumbai police had also seized 97 laptops and other documents in the said crime. He further submits that the petitioner has also given his statement in the said case, however, the petitioner has not been arrayed as accused in both F.I.Rs and charge sheets, which was registered later at Matunga Police Station. He further submits that all the bank accounts of the firm which were owned by his son have also been frozen by Mumbai police and as such, all balances lying in the said bank accounts are in the custody of Mumbai police. He further submits that the petitioner is in no way concerned with the cases filed against the son of the petitioner both at Mumbai and Cyberabad P.S., but the Investigating Agency is making all attempts to falsely implicate the petitioner in the above case with the sole intention to harass the petitioner. He further submits that to the best of knowledge of the petitioner, the son of the petitioner and 10 others have strong case in support of their claim and they are contesting the said case. The petitioner is ready to abide by the conditions imposed by this Court and willing to furnish sufficient sureties to the satisfaction of the Court concerned and hence, he prays to grant anticipatory bail to the petitioner.

5. On the other hand, the learned Additional Public Prosecutor representing the State vehemently opposed the bail application by contending that the role of the petitioner is specifically mentioned by the police in the present crime and hence, the petitioner is not entitled for anticipatory bail.

6. As seen from the investigation, it reveals that A1 who is the son of the present petitioner has registered websites in the name of www.traderstfx.com. xxx.cfxeducation.com and posted advertisements in Google and Rediff mail for doing fraudulent business of Forex trading. Similarly another website was registered in the name of the present petitioner namely www.tsonlineacademy.com and posted advertisements in Google and Rediff mail for doing fraudulent business of Forex trading. During the course of transaction in the business, about Rs.37,00,000/- was deposited in the account of the www.tsonlineacademy.com and out of the

said amount, an amount of Rs.13,99,000/- was credited to the account of the present petitioner.

7. Thus, looking into the nature of allegations leveled against the petitioner and his involvement in doing fraudulent business along with A1, I am not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the Criminal Petition is dismissed. However, if the petitioner-accused surrenders before the concerned Court within 15 days from today and files bail application after giving due notice to the Public Prosecutor, the same may be considered in accordance with law.

JUSTICE G. SRI DEVI

DATED: 16.12.2019.
Hsd