

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 287 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No. 7 in Crime No. 431 of 2021 on the file of P.S. Cyber Crimes, Cyberabad registered for the offences punishable under Section 420 IPC and Section 66C and 66D of IT Act, seeking bail.

2. The case of prosecution is that on 01.11.2021 at 14.30 hours, a memorandum dated 13.10.2021 was received from the Commissioner of Police, Cyberabad for transfer of CD file in Crime No. 1048 of 2021 under Section 420 IPC and Sections 66 C and 66 D of IT Act of Kukatpally PS to Cyber Crime PS., Cyberabad with instructions to re-register and investigate the case. Brief facts of the said case are that complainant Sri G. Rajanikanth, S/o G. Ramamohan Rao (Mobile No. 9491665940) had RBL credit card, that recently on 06.09.2021, he received a call from Mobile No. 7268075215 in which conversation, accused introduced himself as Mayank and he himself declared that he belongs to RBL Employee and he convinced the complainant with his loyal conversation and finally, insisted him to disclose the OTP details, thereafter, he made fraud transactions and collected Rs.2,99,990/- in 3 transactions.

3. Learned counsel for petitioner Sri Dharmesh D.K. Jaiwal submits that on the allegation that petitioner involved in credit card scam, initially, Crime No. 329 of 2021 dated 14.07.2021 was registered against him and he was

arrested on 20.07.2021, but as per police records, arrest was shown as 29.07.2021. It is stated that petitioner was remanded on 30.10.2021 and on 19.11.2021 was granted bail by the Court below on certain conditions. Learned counsel submits that on the same day, PT warrants were executed in this crime. He submits that according to prosecution, in the earlier crime, Rs.20,000/- and in this case, Rs.2,99,000/- was alleged to have been collected by petitioner. Learned counsel submits that in fact, police have also filed custody petition before the Court below and the same was dismissed. It is submitted that as petitioner is languishing in jail from the last 81 days and as already custody petition filed by the police is dismissed and as petitioner is ready to cooperate with the investigation, his case may be considered for grant of bail.

4. Learned Assistant Public Prosecutor submits that petitioner is a resident of Delhi and if he is enlarged on bail, it would be very difficult for the prosecution to complete trial and secure his presence during the course of trial.

5. Taking into consideration the fact that petitioner was arrested and remanded to judicial custody on 30.10.2021 and since then, he has been languishing in jail and further, PT warrants were executed in this case on 19.11.2021 and the Court below dismissed the custody petition filed by the prosecution, this Court deems it appropriate to grant bail to petitioner, subject to the same conditions which were imposed by the Court below while granting bail to him in Crime No. 329 of 2021.

6. The Criminal Petition is therefore, allowed. Petitioner – Accused No.7 shall be enlarged on bail in connection with Crime

No. 431 of 2021 on the file of P.S. Cyber Crimes on his executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of learned IX Metropolitan Magistrate, Cyberabad. Petitioner is directed to furnish one local surety to secure his presence. He is directed to produce his residence proof. Petitioner shall not threaten witnesses of this case. He shall appear before the SHO, Cyber Crimes on every Wednesday between 11.30 a.m. and 04.00 p.m. for a period of three months or till filing of charge sheet whichever is earlier. Petitioner shall not commit similar offences and he shall cooperate with the Investigating Agency.

LALITHA KANNEGANTI, J

17th January 2022

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