

**THE HONOURABLE SRI JUSTICE K.SURENDER****CRIMINAL PETITION No.6440 OF 2022****ORDER:**

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner who is arrayed as Accused No.2 in Crime No.495 of 2022 on the file of Station House Officer, Cyber Crime Police Station, Detective Department, CCS, Hyderabad registered for the offence punishable under Section 66(D) of IT Act – 2008 and Sections 419 and 420 of Indian Penal Code.

2. Heard learned counsel for the petitioner/Accused No.2 and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The allegation against this petitioner is that Accused No.1 induced the *de facto* complainant on the platform of shadi.com and took certain amounts from the *de facto* complainant. During the course of investigation, it was found that an amount of Rs.1,20,000/- was deposited into the account of this petitioner.

4. Learned counsel for the petitioner submits that without giving a notice under Section 41-A Cr.P.C. this petitioner was arrested.

5. The offences against the accused are under Section 66(D) of IT Act and Sections 419, 420 and 506 of Indian Penal Code for which punishment is prescribed is less than seven years, as such, it is mandatory that the police shall follow the procedure under Sections 41 and 41-A of the Code.

6. In ***Satender Kumar Antil v. Central Bureau of Investigation and another***<sup>1</sup> the Hon'ble Supreme Court at para No.73(c) held as follows:

"73. In conclusion, we would like to issue certain directions. These directions are meant for the investigating agencies and also for the courts. Accordingly, we deem it appropriate to issue the following directions, which may be subject to State amendments:

(c) The Courts will have to satisfy themselves on the compliance of Section 41 and 41-A of the Code. Any non-compliance would entitle the accused for grant of bail.

7. In view of the above, when the procedure was not followed by the police, the petitioner/Accused No.2 is entitled for the relief of bail.

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<sup>1</sup> 2022 SCC online SC 825

8. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.2 is granted bail subject to the following conditions:

- i) The petitioner/Accused No.2 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each among which **one is local and another is native**, to the satisfaction of XII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.
- ii) The petitioner/Accused No.2 shall appear before the concerned Station House Officer on every Monday between 10.30 AM and 01.00 PM for a period of three (03) months or until filing of charge sheet whichever is earlier.
- iii) The petitioner/Accused No.2 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

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**K.SURENDER, J**

Date: 27.07.2022  
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