

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.10020 OF 2021

ORDER:-

This 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/A.3 in connection with Crime No.1908 of 2020 of Cyber Crime Police Station, Hyderabad, wherein the petitioner along with others are alleged to have committed the offences punishable under Sections 66(C) and (D) of the Information Technology Act, 2008 and Sections 419 and 420 of the Indian Penal Code, 1860 (for short 'IPC').

2. A report was lodged by the *de facto* complainant stating that when she is searching for business in Facebook, Conway Info Solutions of Bangalore, Karanataka, offered business opportunity on Facebook profile of Ankita Chakravarty and asked to deposit Rs.1,50,000/- towards security and on that she paid total amount of Rs.1,39,000/- on 25.08.2020 and 19.09.2020. After getting training, she started working on the project for 14 days and on the 14th day when she supposed to send the data for billing, she received mail that due to Covid positive cases confirmed to its employees, hold the data submissions for the next 14-15 days. When she submitted the 1st billing data, there is no response and now they are given another project and pay Rs.3 lakhs for the same. When she was asked to release due payments, the response is not

positive and on suspicious she filed report. Basing on the report of the *de facto* complainant, the present crime is registered.

3. Heard Mr.Sridhar Lonkala, learned counsel for the petitioner, and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits the initially the name of the petitioner is not found in the complaint and later basing on the confession of other accused, the petitioner is arrayed as A.3. It is submitted that the petitioner is working as tele caller only for a period of three months. He has nothing to do with the amount of Rs.1,39,000/- that was transferred by the *de facto* complainant. He submits that as per the instructions, the Company has already paid the amount back to the *de facto* complainant. Even if such an offence is taken place, the petitioner is unconnected with the company and he is only an employee. Further, the petitioner is languishing in jail from 20.11.2021. Hence, the petitioner's case may be considered for grant of bail.

5. On the other hand, learned Assistant Public Prosecutor submits that twelve witnesses were examined so far. A.1 and A.4 to A.6 are absconding. As the investigation is pending and the petitioner is residing at Bangalore, it is difficult for the prosecution to complete the investigation. As such, the petitioner is not entitled for bail.

6. Taking into consideration the fact that the petitioner is only working as tele caller, that too, he worked only for three months in the

Company and further, he is languishing in jail from 20.11.2021, this Court deems it appropriate to grant bail to the petitioner.

7. Accordingly, this Criminal Petition is allowed and the petitioner/A.3 shall be enlarged on bail 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 the XII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.

Consequently, miscellaneous applications pending, if any, shall stand closed.

LALITHA KANNEGANTI, J

Date :03.01.2022

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Allowed
anticipatory

CRIMINAL PETITION No. 4767 of 2021

01.09.2021

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