

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.161 of 2023

ORDER:

Heard Sri Ramana Allu, learned counsel for the petitioners, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. This Criminal Petition is filed under Section 439 Cr.P.C. seeking the Court to enlarge the petitioners, who are arrayed as accused Nos.1 and 2 in Crime No.469 of 2022 of Cyber Crime Police Station, Rachakonda, on bail.

3. The matrix of the case, as could be perceived through the contents of the Remand Case Diary, is that petitioner Nos.1 and 2 are related to each other and they were addicted to lavish life. Petitioner No.1 while working at P & G Private Limited, Madhapur, got acquainted with accused No.3. Accused No.3 had also intention which is similar to the petitioners i.e., to earn easy money and all of them hatched a plan to collect amounts by using honey trap through petitioner No.1's social media. Accordingly, they honey trapped the defacto complainant and the defacto complainant

who fell in the said trap, transferred a sum of Rs.31,66,357/- to petitioner No.1.

4. Making his submission, learned counsel for the petitioners states that the petitioners are in judicial custody since 38 days and all the offences alleged to have been committed by the petitioners are punishable with imprisonment for a period below seven years and therefore, they may be enlarged on bail.

5. The submission of the learned Additional Public Prosecutor on the other hand is that nine witnesses were examined till now and the investigation is still pending.

6. By the submissions thus made, it is clear that the petitioners are in judicial custody since 38 days and that material part of investigation is completed. Having regard to the said facts, this Court is of the view that the request of the petitioners can be honoured, however conditionally.

7. Resultantly, this Criminal Petition is allowed with the following conditions:-

- (i) The petitioners/accused Nos.1 and 2 shall be enlarged on bail on each of them executing a personal bond for Rs.50,000/- (Rupees Fifty

thousand only) with two sureties for the like sum each to the satisfaction of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.

(ii) In case, the petitioners/accused Nos.1 and 2 hold passport, they are directed to surrender the same, if they were not seized by now.

(iii) The petitioners/accused Nos.1 and 2 should not involve in any unlawful activity.

(iv) The petitioners/accused Nos.1 and 2 should afford all assistance for proper investigation of the case.

(v) The petitioners/accused Nos.1 and 2 should not cause the evidence of the offence disappear.

(vi) The petitioners/accused Nos.1 and 2 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.1 and 2 should not by way of inducement, threat or promise,

dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.

(viii) The petitioners/accused Nos.1 and 2 should ensure their presence whenever required by the Court or Police.

(ix) The petitioners/accused Nos.1 and 2 shall not leave India without previous permission of the court concerned.

(x) The petitioners/accused Nos.1 and 2 shall report before the Station House Officer, Cyber Crime Police Station, Rachakonda, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioners/accused Nos.1 and 2 shall file separate affidavits before the court concerned disclosing the following particulars:-

- (1) Contact number
- (2) Mail address
- (3) Residential particulars.

In case, there is any change in the aforementioned details, the petitioners shall intimate the court concerned by giving separate fresh

affidavits duly mentioning the change. They shall continue to do so till filing of the final report.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the bail granted.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

23.01.2023

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