

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3996 of 2023

ORDER:

1. Heard Sri K.S.Naumene, learned counsel who is representing Sri D.Satyanarayana, learned counsel on record for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

2. Seeking post-arrest bail, the present Criminal Petition is filed under Section 439 Cr.P.C. on behalf of the petitioner, who is arrayed as Accused No.4 in Crime No.263 of 2023 of Cyber Crime Police Station, Cyberabad.

3. The facts of the case in brief as could be perceived through the contents of the complaint are that the defacto complainant searched in Google search engine for KFC Franchise and clicked a website link. Thereafter, he entered his details. On that, he received calls from different mobile numbers. The defacto complainant shared all his details, including the Bank statements. Thereafter, basing on the directions he received for the purpose of obtaining KFC Franchise, he deposited different amounts, totalling Rs.94,95,538/-. However, finally, he came to

know that the accused cheated him on the pretext of KFC Franchise by creating fake websites.

4. Contending that the petitioner is innocent, learned counsel for the petitioner states that even as per the version of the prosecution, the petitioner is a Tele-caller working under Accused No.1. Learned counsel states that the petitioner has no knowledge about the alleged transactions. Learned counsel also states that the petitioner was arrested on 25.03.2023 and since one month, he is in judicial custody and as the entire investigation is also completed, the petitioner may be enlarged on bail.

5. The submission of the learned Additional Public Prosecutor, on the other hand, is that the petitioner's involvement is also found. Learned Additional Public Prosecutor further submits that six (6) witnesses were examined till now.

6. The version of the prosecuting agency as per the contents of Part-I Case Diary is that the petitioner was recruited by Accused No.1 to work as Tele-caller under him

and that he worked in the given capacity on the directions of Accused No.1.

7. Having considered this aspect, the fact that the petitioner is in judicial custody since one month and as the examination of material witnesses is completed, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

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

- (i) The petitioner/Accused No.4 shall be enlarged on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for 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) The petitioner/Accused No.4 shall report before the Station House Officer, Cyber Crime Police

Station, Cyberabad, on every Sunday and Thursday between 10.30 AM and 12.00 PM till filing of final report.

- (iii) The petitioner/Accused No.4 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.4 should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused No.4 should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused No.4 should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused No.4 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) In case the petitioner/Accused No.4 holds a passport, he shall surrender the same if the same is not seized till now.
- (ix) The petitioner/Accused No.4 should ensure his presence whenever required by the Court or Police.

- (x) The petitioner/Accused No.4 shall not leave India without previous permission of the court concerned.
- (xi) The petitioner/Accused No.4 shall file an affidavit 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 petitioner shall intimate the Court concerned by giving a fresh affidavit duly mentioning the change. He 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.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 27.04.2023

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