

HONOURABLE SMT. JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION Nos.4633 & 4634 OF 2023

COMMON ORDER:

These two criminal petitions are filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) seeking to enlarge the petitioners/A1 & A7 on bail in connection with Crime No.311 of 2023 on the file of Pet-Basheerabad Police Station, Cyberabad, registered for the offence punishable under Sections 419, 420 & 120-B of Indian Penal Code, Sections 66(C) & 66(D) of Information Technology Act, 2000.

2. Heard the learned counsel for the petitioners and learned Assistant Public Prosecutor for the respondent-State and perused the record.

3. The case of the prosecution is that the Station House Officer, Pet-Basheerabad Police Station on 04.04.2023, received credible information that a fake call centre was being run at Vani Book Stall building on High-Tension road without valid permission. Basing on the said information, two superior officers along with the Station House Officer, staff and mediators proceeded to the said shop and found A1 along with 12 others sitting in six cabins and making calls. When they saw the Police in

uniform, they tried to flee away but the complainant caught hold of them. In the presence of the mediators, all the accused have confessed that they are doing cyber crime and earning money from Australian citizens by using their Australian bank account numbers. Basing on the said confession, the Station House Officer, Pet-Basheerabad Police Station has registered a complaint and arrested all the accused.

4. It is the specific contention of the petitioners-A1 & A7 that they are innocent and there is no incriminating evidence recorded against them to prove the crime. A1 & A7 were arrested on 04.04.2023 and since then they are in the custody. Both the petitioners have moved bail application before the Trial Court, but the same was dismissed on the ground that the investigation is still pending.

5. On the other hand, learned Assistant Public Prosecutor has also contended that nine of the witnesses were examined in this case and the entire material data is being collected based on the confession given by all the accused and therefore prayed to dismiss the bail applications of the petitioners *i.e.* A1 & A7.

6. The record reveals that the entire case of the prosecution rests on the confessional statements of A1 to A13. Admittedly, the confession before the Police is hit by Section 25 of Indian Evidence Act and no

categorical finding can be drawn therefrom. As the subject crime is registered for the offences under Sections 419, 420 & 120-(B) of Indian Penal Code, 66(C) & 66(D) of Information Technology Act 2000 and considering the fact that major part of the investigation is completed, it is a fit case to enlarge the petitioners on bail.

7. Resultantly, the Criminal Petitions are allowed with the following conditions:

i) Petitioners - A1 & A7 shall be enlarged on bail on their executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum each to the satisfaction of the IX Additional Metropolitan Magistrate, Ranga Reddy District at Kukatpally.

ii) Petitioners-A1 & A7 shall appear before the Station House Officer, Pet-Basheerabad Police Station, Cyberabad, on every Saturday between 10.00 a.m., and 12.00 p.m., till the filing of the charge sheet.

iii) Petitioners-A1 & A7 shall not tamper with the evidence and shall not influence the witnesses in this case.

iv) The concerned Station House Officer is at liberty to file an application for cancellation of the bail, in case the petitioners fail to comply with the above conditions.

v) Petitioners – accused Nos.1 and 7 shall cooperate with the investigation and shall not leave the country without the prior permission of the trial court.

As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

G.ANUPAMA CHAKRAVARTHY,J

Date :11.05.2023

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