

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.8133 OF 2023****COMMON ORDER:**

1. 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 petitioners/Accused Nos.1 to 15 in CC.No.908 of 2022 on the file of Special Judicial First Class Magistrate Prohibition and Excise Offences at Sangareddy, registered for the offences under Sections 420 of IPC and Section 66 (C) and (D) of the Information Technology Act, 2000 (for short 'the I.T.Act').
2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The allegation against these petitioners is that all of them colluded and committed online cheating on the phone. The *de-facto* complainant received a message to his phone number for updating his document in SBI Account. When he clicked on the said message/link, OTP was generated and thereafter, Rs.85,000/- was deducted from his account.

A complaint was lodged and the Police registered the crime for the offences under Sections 420 of IPC and Section 66 (C) and (D) of I.T.Act. and took up investigation. Four witnesses are cited wherein the 1st witness is the *de-facto* complainant and two others are confession panchas.

4. When questioned the learned Additional Public Prosecutor, it is not clear as to whom the phone number belongs to and to whose accounts the amounts debited from the account of the *de-facto* complainant were credited to.

5. As seen from the charge sheet, it is not stated as to whom the phone number belongs to and to whose accounts the amounts were credited to. Fifteen accused were cited in the case. The basis of implication of these petitioners it appears is confession, which is inadmissible. In the said circumstances, this Court deems it appropriate to grant the relief of regular bail to the petitioners herein subject to following conditions:

- i) The petitioners/Accused Nos.1 to 15 shall execute personal bond for a sum of Rs.5,000/- (Rupees Five thousand only) each with two sureties i.e., one local surety and other from the native place, for a like

sum each to the satisfaction of Special Judicial Magistrate of First Class (For Proh. & Excise Cases) at Sangareddy.

ii) The petitioners/Accused Nos.1 to 15 after release shall appear before the concerned Court on all the days whenever the cases are posted.

iii) The petitioners/Accused Nos.1 to 15 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

6. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, pending if any, shall stand closed.

Date: 11.09.2023
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K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.11.09.2023

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