

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.859 OF 2024

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 petitioner/Accused No.2 in Crime.No.388 of 2023 on the file of Nallakunta Police Station, Hyderabad, registered for the offences under Sections 419, 420 and 109 of IPC and Section 66 (C) (d) of IT Act.
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The case of the prosecution is that A-1 who is the son of this petitioner colluded with his associates A-3 and A-4 and hacked 'Payzigo Consumer App' of the *de-facto* complainant's company and created a UPI link whereby 20% discount was offered on billing payments without knowledge of the *de-facto* complainant. The said online payments were diverted resulting in defrauding the billing amount of Rs.28,88,116/- in between 11.10.2023 to 25.10.2023. Since the amounts were diverted by hacking into the payment app, the case was registered against A-1 to A-4.

4. Learned counsel appearing for the petitioner would submit that allegations leveled are against A-1, A-3 and A-4 that they have hacked the app. The only role attributed to the petitioner is that he is the father of A-1.

5. On the other hand, learned Additional Public Prosecutor opposed the bail application on the ground that having diverted the amounts, some amounts around Rs.10 to 12 lakhs were transferred to this petitioner's account.

6. In the remand report, except stating that this petitioner helped his son, no specific role is attributed to this petitioner. Further, the petitioner is uneducated person and is working as a driver in the school.

7. Since, allegation of hacking and diverting the amounts is against A-1, A-3 and A-4, this petitioner can be granted the relief of regular bail, subject to following conditions:-

- i) The petitioner/Accused No.2 shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two sureties, i.e., one local surety and the other from the native place, for a like sum each to the satisfaction of the IV Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.
- ii) The petitioner/Accused No.2 after release shall appear before concerned Station House Officer at 10:00 a.m. on

every Wednesday and Saturday for a period eight weeks for the purpose of investigation and thereafter, as and when required.

iii) The petitioner/Accused No.2 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

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

Date : 29.01.2024
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K.SURENDER, J

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Dt.29.01.2024

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