

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2172 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused No.6 under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), to release him on regular bail in Crime No.60 of 2022 on the file of Chunchupalli Police Station, Bhadradri Kothagudem District, registered for the offences punishable under Sections 420 of Indian Penal Code, 1860 (for short, ‘IPC’) and Section 66(D) of Information Technology(Amendment) Act, 2008 (for short, ‘IT Act’).

2. The case of the prosecution in brief was that on 29.05.2021 at 16:00 hrs, the *de facto* complainant lodged a report before the police stating that some unknown persons telephoned to his phone number and asked him to update the KYC particulars and when the complainant downloaded the unknown application on his mobile, immediately an amount of Rs.41,500/- was debited from his Account No.125401000016975 of I.O.B, Kothagudem. Basing on the said report, the above case was registered against unknown persons. Later the petitioner was arrested in this crime on 07.08.2023.

3. Heard the learned counsel for the petitioner-Accused No.6 and the learned Additional Public Prosecutor.

4. Learned counsel for the petitioner submitted that the petitioner belonged to the State of West Bengal and it was a case of online fraud which required most sophisticated technology. The petitioner was a sales man. The alleged mobile phone number used for committing the offence had not been registered in the name of the petitioner. The petitioner was languishing in jail for the past 4 months. The entire investigation was completed except filing the charge-sheet and prayed to enlarge the petitioner on bail.

5. Learned Additional Public Prosecutor stated that the petitioner was supplying SIM cards to the other accused persons and a mobile phone used for commission of offence was recovered from the petitioner. As the petitioner belonged to the State of West Bengal, if he was released on bail, he might not be available for trial and prayed to dismiss the petition.

6. Perused the record.

7. Considering that the complaint was filed against

unknown persons and it was only stated in the remand report that he was supplying SIM cards to the other accused without any specific details. As the charge-sheet is not yet filed stating the role of the petitioner and a person cannot be detained in custody without ascertaining his role in the commission of offence and as it was stated that the petitioner was in custody, it is considered fit to enlarge the petitioner on bail.

8. Accordingly, this Criminal Petition is allowed and the petitioner – accused No.6 shall be released on regular bail subject to the following conditions:

- i) The petitioner/Accused No.6 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with two sureties for a like sum each to the satisfaction of the learned III Additional Judicial First Class Magistrate, at Kothagudem.
- ii) The petitioner/Accused No.6 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date:06.03.2024
dgr

Dr. G.RADHA RANI, J