

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2191 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.245 of 2023 on the file of Dichpally Police Station, Nizamabad District, registered for the offences punishable under Section 420 of Indian Penal Code, 1860 (for short, ‘IPC’) and Section 66(D) of Information Technology Act, 2008 (for short, ‘IT Act’)

2. The case of the prosecution in brief was that on 16.09.2023 at 12:30 hrs, the *de facto* complainant lodged a report before the police stating that he got a call from unknown persons saying that they were calling from services as he ordered a shirt and pant 3 days ago. He thought that it was a genuine call from a delivery boy and believing his words sent the money from phone pay to the fraudsters account from his phone number but thereafter as they were not lifting the call, he came to know that he was cheated and as such, lodged the report.

3. Basing on the said report, the above case was registered. The petitioner was arrested in Crime No.60 of 2022 of Chunchupally police station of Bhadradi Kothagudem District and was produced on PT Warrant in this case on 25.11.2023.

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

5 Learned counsel for the petitioner submitted that the petitioner belonged to the State of West Bengal and this is a case of online fraud which required most sophisticated technology. The petitioner was a sales man. The alleged mobile phone number 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.

6. Learned Additional Public Prosecutor stated that the accused No.6 along with others committed cyber fraud by forming into a group and were cheating public all over the India. 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.

7. Perused the record.

8. Considering that the complaint was filed against unknown persons and the role of the petitioner was stated by the police that he was providing SIM cards to the other accused. As no other details are provided by the concerned Investigating Officer, keeping a person in custody with such vague details is considered as improper, it is considered fit to enlarge the petitioner on bail.

9. Accordingly, the 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 II Additional Judicial First Class Magistrate, at Nizamabad.
- 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