

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos.12820 OF 2023

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/Accused seeking bail in the event of his arrest in connection with Crime No.300 of 2023 on the file of Central Crime Station, D.D., Hyderabad, registered for the offences under Sections 406, 408, 420, 465, 467, 468 and 471 r/w. 34 of IPC.
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The complaint was filed 27.10.2023 by the *de-facto* complainant alleging that this petitioner and his friend raised fake invoices from *de-facto* complainant's GST login without his knowledge and wrongfully gained Rs.75,00,000/-. On account of said fake invoices being raised from the login of *de-facto* complainant, he has to pay Rs.1,52,11,462/- as GST. The alleged act of this petitioner and others raising fake invoices had come to the knowledge of the *de-facto* complainant on 30.09.2023 when the GST authorities issued a show cause notice about non-filing of returns.

4. Learned counsel appearing for the petitioner would submit that even according to the complaint, the GST login is of the *de-facto* complainant. Once a person logs in into GST portal by way of his login, a password number would be generated which would be sent to mobile number of the person who has authority of said GST login.

5. On the other hand, learned Additional Public Prosecutor would submit that credentials of the login were informed to the petitioner herein, for which reason, the alleged fraud occurred.

6. It is not mentioned either in the statement recorded under Section 161 Cr.P.C. produced by the Additional Public Prosecutor or in the complaint that the password and other details of GST login of the *de-facto* complainant were informed to the petitioner.

7. The above said aspects are subject matter of investigation. In the interest of investigation, this Court deems it appropriate to grant the relief of anticipatory bail, subject to following conditions:-

- 1) The petitioner/Accused is directed to surrender before the Station House Officer, Central Crime Station, D.D., Hyderabad, on or before 11.01.2024. Upon such surrender, the said Station House Officer

shall release the petitioner/Accused on bail, on his executing personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum each to his satisfaction.

- 2) On such release, the petitioner/Accused shall appear before the concerned Station House Officer at 10:00 a.m. everyday for a period of two weeks and thereafter as and when required, for the purpose of investigation.
- 3) The petitioner/Accused shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

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

Date : 04.01.2024
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K.SURENDER, J

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Dt.04.01.2024

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