

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15409 of 2024

ORDER:

This Criminal Petition is filed under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of pre-arrest bail to the petitioner who is arrayed as accused No.5 in Crime No.24 of 2024 of EOW Police Station, Cyberabad.

2. The brief facts of the case is that on 09.07.2024, the *de-facto* complainant lodged a report before the Police stating that while he was surfing in the internet, in October, 2022 attracted with an advertisement “Deposits accepted yielding high profits @ 48% per annum”, and deposited an amount of Rs.7,60,000/- with M/s.Profitsgenix Financial Services Private Limited and received profits till February, 2024 and when he approached the above company, they gave lame excuses and tried to postpone and avoided his phone calls. Based on the complaint, a case was registered vide Crime No.24 of 2024 before the EOW Police Station, Cyberabad, for the offences punishable under Sections 420 and 406 of IPC and Section 5 of TSPDFEA.

3. Heard Sri M.V.Hanumatha Rao, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Manoon, learned Additional Public Prosecutor appearing on behalf of the respondent No.1-State.

4. Learned counsel for the petitioner *firstly* submitted that accused Nos.1 and 2 was already released on anticipatory bail *vide* Crl.P.Nos.11886 of 2024 and 11939 of 2024, dated 24.10.2024. He *secondly* submitted that the petitioner is innocent and that he is no way concerned with the alleged offences. He *thirdly* submitted that there is no corroborative evidence to prove that the petitioner/accused No.5 has acted with criminal intent to defraud the investors and there are no specific allegations against him. He *lastly* submitted that no criminal antecedents were reported against the petitioner/accused No.5 and material part of the investigation is completed. Therefore, he prayed the Court to grant of anticipatory bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that specific allegations are leveled against

the petitioner/accused No.5. He further submitted that the investigation is not yet completed, therefore, granting bail to the petitioner, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the parties and material available on record, it appears that there is no corroborative evidence to prove the allegations levelled against the petitioner/accused No.5 and petitioners/accused Nos.1 and 2 have already granted anticipatory bail regarding the same crime. It is pertinent to note that material part of the investigation is also completed. Therefore, considering the facts and circumstances of the case, this Court is of the considered view that it is a fit case for granting of anticipatory bail to the petitioner.

7. Accordingly, this petition is allowed granting anticipatory bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer of P.S.EOW, Cyberabad within two weeks from today, and on such surrender, the

said Station House Officer shall release him on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.

- ii. The petitioners shall appear before the concerned Station House Officer on every Monday between 9:00 A.M. to 5:00 P.M., for a period of eight (08) weeks or till filing of charge sheet whichever is earlier.
- iii. The petitioners shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 17.12.2024

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