

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.1014 of 2025

ORAL ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioners, who are arrayed as accused Nos.10 and 11 in Crime No.41 of 2024 before the Cyber Crime Police Station, TSCSB TG Cyber Security Bureau, registered for the offences punishable under Sections 318(4), 319(2), 338 read with 61(2) of BNS and Section 66-D of IT Act.

2. The brief facts of the case are that on December 22, 2024, a *suo-moto* complaint was filed by Sri Mahebdar Bathula, Inspector of Police, stating that certain agents were opening "mule accounts" by offering lucrative commissions to bank account holders, obtaining their account details, and sharing them with other agents involved in cyber crimes committed from overseas. These agents allegedly created fictitious documents to open current bank accounts and paid commissions to account

holders, with the remaining cash being handed over to other agents. The complaint requested necessary action against these agents for instigating account holders to share their accounts for cybercrimes using fake documents. Thereby, a case was registered against the petitioners for the offences as alleged. Aggrieved thereby, this Criminal Petition is filed.

3. Heard Sri Barla Mallesh Yadav, learned counsel for petitioners, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent – State.

4. Learned counsel for the petitioners submitted that the complaint is false and foisted against the petitioners/accused Nos.10 & 11, who are falsely arrayed and implicated without any specific allegations or evidence. He contended that the FIR does not mention the petitioners' names and the allegations made do not constitute an offence under the relevant Sections against the petitioners. He lamented that the petitioners have no *prima facie* case against them, and their implication is without basis. He asserted that the petitioners anticipate harassment and arrest, and that their previous bail application was

dismissed on January 22, 2025 but the other prime accused are already enlarged on bail. Therefore, while advocating that the petitioners are law-abiding citizens, willing to cooperate with the investigation, and undertake to abide by any conditions imposed by the Court, he prayed this Court to allow the criminal petition, granting the relief of anticipatory bail to the petitioners.

5. On the other hand, learned Additional Public Prosecutor submitted that the allegations leveled against the petitioners are serious in nature. Therefore, the question of granting pre arrest bail to the petitioners at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. Having regard to the rival submissions made and on going through the material placed on record, it is noted that the trial Court has already enlarged the prime accused on bail and the petitioners herein are accused Nos.10 and 11. Further, there are no specific set of allegations leveled against the petitioners. In light of this, the Court deems it

fit to grant pre-arrest bail to the petitioners subject to the following conditions:

- i. The petitioners shall surrender before the Station House Officer, Cyber Crime Police Station, TSCSB TG Cyber Security Bureau, within two weeks from today, and on such surrender, the said Station House Officer shall release them on bail on executing a personal bond for Rs.25,000/- each, with two sureties, for the like sum each.
- ii. The petitioners shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.
- iii. The petitioners shall appear before the concerned Investigating Officer on every Monday between 09:00 a.m, and 05:00 p.m., till the filing of the charge sheet and thereafter, as and when required

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 30.01.2025
PT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.1014 of 2025

Date: 30.01.2025

PT