

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.1776 of 2025

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 petitioner, who is arrayed as accused in Crime No.2375 of 2023 of Cyber Crime Police Station, Cyberabad Commissionerate.

2. The brief facts of the case are that on 09.11.2023, Bodempudi Raghavendra Prasad filed a complaint stating that on 04.11.2023, he noticed an unauthorized deduction of Rs.1,499/- from his HDFC Bank credit card on Amazon Prime. When he tried to contact Amazon Prime's call center, he received a call back from a person claiming to be from Amazon, who asked for his credit card details and advised him to download the "Alpernix" app. After downloading the app and a PDF file, Prasad's phone was formatted, and he lost data. Further, Rs.2,98,703/- was deducted from his linked bank accounts.

3. Heard Sri P. Ravi, learned counsel appearing on behalf of the petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner has been in jail for the past year due to another case. Although the Investigating Officer applied for a PT warrant, it was not executed. The petitioner was granted bail in the other case, but upon presenting sureties, he discovered this pending case, which he was unaware of. Therefore, he prayed the Court to grant pre-arrest bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor vehemently opposed the submissions made by learned counsel for petitioner, stating that the allegations leveled against the petitioner are serious in nature and further, there are multiple crimes were registered against this petitioner. At this stage, granting of pre-arrest bail to the petitioner does not arise. Therefore, he prayed the Court to dismiss the Criminal Petition.

6. After considering the submissions made by both learned counsel and reviewing the material available on record, it is noted that although the crimes were registered on 09.11.2023, the petitioner has been in jail since 09.05.2024, and no steps were taken to investigate the matter. Additionally, a PT warrant was filed but not executed. Considering the facts and circumstances of the case, as well as the incarceration of the petitioner, this Court deems it appropriate to grant bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Cyber Crime Police Station, Cyberabad Commissionerate, 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 petitioner 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 petitioner 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.

Date: 21.02.2025
SAI

K. SUJANA, J

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