

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.2538 of 2025

ORDER:

Seeking the Court to enlarge the petitioner/Accused No.2 in Crime No.2802 of 2024 of Cyber Crime Police Station, Detective Department, Hyderabad, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that despite the *de-facto* complainant investing huge amounts in the domain deltayu.cc blindly completing the tasks assigned by the accused persons, the accused persons besides deceiving the *de-facto* complainant by not paying the promised returns, also demanded extra amount for withdrawing the invested amounts. Hence, a case *vide* Crime No.2802 of 2024 before the Cyber Crime Police, Detective Department, Hyderabad, for the offences punishable under Sections 66(C), 66(D) of the ITA and Sections 111(2)(b), 318(4), 319(2), 336(3), 338 and 340(2) of the BNS.

3. Heard Sri Neelam Bhargava Ram, learned counsel for the petitioner as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioner *firstly* submitted that the petitioner is innocent and he is no way concerned with the alleged offences. He *secondly* submitted that though there is no corroborative evidence, the petitioner was implicated in the case with false and fabricated allegations. He *thirdly* submitted that all the material witnesses were examined, and further detention of the petitioner is unnecessary. He *fourthly* submitted that the petitioner has been in judicial custody since 09.01.2025, causing undue hardship to his family. He *fifthly* submitted that the petitioner is resident of Maharashtra State, with movable and immovable properties, and is willing to furnish sureties as directed. He *lastly* submitted that previously bail application of the petitioner *vide* Crl.M.P. No.433 of 2025 was dismissed by the IV Additional Sessions Judge at Hyderabad, on 06.02.2025 without valid reasons and prayed the Court to grant 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 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 reviewing the record, it is apparent that the averments of the complaint do not constitute offence under Section 111(2)(b) of the BNS against the petitioner. Hence, since the petitioner is languishing in jail from 09.01.2025 and material part of investigation is also completed, this Court deems it fit to grant bail to the petitioner subject to the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties for a like sum each to the satisfaction of the XII Additional Chief Judicial Magistrate at Nampally.
- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8)

week or till filing of charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.

- iii. The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.(presently, Section 480(3) of the BNSS).

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 04.03.2025

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