

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3241 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking bail to the petitioner/accused No.5 in Crime No.109 of 2024 of CID Police Station, Hyderabad, registered for the offences under Sections 420, 467, 419, 120-B and 370(3) of the Indian Penal Code, 1860 (IPC) and Section 24(1)(b)(g) of the Emigration Act, 1983.

2. Heard Mr. N. Gopi Krishna, learned counsel, representing Mr. M. Keshav Yadav, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent – State.

3. The brief facts of the case are that on 24.01.2024 at 19.55 hours, the *de facto* complainant lodged a complaint stating that he wants to pursue abroad career and came across the video on YouTube channel titled as 'Abroad Study Plan' and he was lured that the owners of the said agency will provide job visa and as per the video and guidance through phone and he visited their office. In February, 2022, he met accused Nos.1 and 2 and they stated that they will provide job at Malta, an European counter. Believing their

words, he paid an amount of Rs.1,50,000/- through PhonePe and he was also asked to pay money for visa and to process further. Totally, he paid Rs.5,00,000/-. After 15 months he got visa and on 15.07.2023 he went Malta, but no job was provided to him and he was received a message from Identity Malta Head Office and he was arrested for submission of fake and forged documents and the Court at Malta deported him to India with 5 years ban. While the investigation was in progress, the petitioner was arrested in Crime No.40 of 2024.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the offence and he was falsely implicated in the present crime. The ingredients of Sections 420, 467, 419, 120-B and 370(3) of the IPC and Section 24(1)(b)(g) of the Emigration Act, 1983 are not applicable to the facts and circumstances of the case. The petitioner was involved in two more similar crimes i.e, Crime Nos.168 of 2024 and 40 of 2024 of CID Police Station, Hyderabad. The petitioner was granted anticipatory bail in Crime No.168 of 2024, *vide* CrI.P.No.13649 of 2024 dated 26.11.2024 and he was enlarged on regular bail in Crime No.40 of 2024, *vide* CrI.P.No.2545 of 2025 dated 27.02.2025. When the above said cases were pending, basing on the false allegations, the present crime is registered. Initially, the petitioner was arrested on 29.01.2025 in another crime. Later, in

this crime, the petitioner was produced on 18.02.2025 through P.T. warrant and since then he has been in judicial custody. The petitioner is ready to abide the conditions, which are going to be imposed by this Court. Hence, the petitioner may be enlarged on bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed grave offence and the investigation is under progress. Hence, at this stage, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that on the very same allegations, Crime Nos.168 of 2024 and 40 of 2024 were registered against the petitioner and others. The record discloses that the petitioner was granted anticipatory bail in Crime No.168 of 2024, *vide* CrI.P.No.13649 of 2024 dated 26.11.2024 and he was enlarged on regular bail in Crime No.40 of 2024, *vide* CrI.P.No.2545 of 2025 dated 27.02.2025. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.5 subject to the following conditions.

- (i) The petitioner shall be released on bail on executing a personal bond for a sum of Rs.25,000/-(Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the VI Additional Chief Judicial Magistrate at Nampally, Hyderabad.
- (ii) The petitioner shall appear before the concerned S.H.O. at 11.00 a.m. on every Monday for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- (ii) The petitioner shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date: 17.03.2025

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