

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4490 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking anticipatory bail to the petitioner/accused No.22 in Crime No.17 of 2024 of EOW Cyb (Cyberabad) Police Station, Cyberabad, registered for the offences punishable under Sections 406, 409, 420, 467, 468 and 471 of the Indian Penal Code, 1860 (IPC).

2. The case of prosecution in brief is that on 22.05.2024, the complainant lodged a report before Police stating that their Company is registered under the provisions of Companies Act, engaged in the business of hospitality and other allied services and operating rental homes known as 'co-living properties' in Hyderabad and their company also runs food courts across 16 cities in India. The accused have been working in their company and they along with their known associated and family members had a malafide intention to siphon off money from their company. The accused are working in different localities and they traces sofar some account numbers who got amount from the customers. Basing on the same, crime No.17 of 2024 was registered.

3. Heard Mr. G. Vasantha Rayudu, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in the present crime and the ingredients of Section 409 of the IPC are not attracted to the petitioner and the punishment prescribed for the other offences, i.e., under Sections 406, 420, 467, 468 and 471 of the IPC, is below seven years. He further submitted that the entire allegations are levelled against accused Nos.1 and 2, that they have collected huge money from the customers of the *de-facto* complainant and other victims by using forged QR code and there are no specific allegations levelled against the petitioner to attract Section 409 of the IPC. He further submitted that accused Nos.2, 6, 7, 9, 10, 12, 15, 16, 19 and 21 have approached this Court and filed CrI.P.Nos.7545, 7322, 7787, 7544, 6714, 7547, 7798, 7546, 7373, 7322 and 7450 of 2024 and this Court while disposing of the said Criminal Petitions, directed the Investigating Officer to follow the procedure laid down under Section 41-A of the Criminal Procedure Code, 1973 (Cr.P.C.)/Section 35(3) of BNSS and the guidelines issued by the

Apex Court in **Arnesh Kumar Vs. State of Bihar**¹. He further submitted that the material part of the investigation is completed except filing of the charge sheet and the petitioner is ready to abide by the conditions, which are going to be imposed by this Court, and he shall cooperate with the investigation. Hence, the petitioner may be enlarged on anticipatory bail.

5. *Per contra*, Additional Public Prosecutor submitted that the petitioner and other accused have committed grave offence and there are specific allegations against the petitioner and other accused that they misappropriated huge amounts and they received the amount from the customers of the *de-facto* complainant by using forged QR code and the investigation is under progress. At this stage, if the petitioner is released on bail there is every chance to interfere with the investigation and influence the witnesses. Hence, the petitioner is not entitled for grant of anticipatory bail.

6. Having considered the rival submissions made by the respective parties and from the perusal of the material available on record, it reveals that the *de-facto* complainant lodged a complaint on 22.05.2024 stating that the petitioner and other accused have collected huge money from the customers of his company and

¹(2014) 8 SCC 273

diverted the same to their personal accounts. According to the learned counsel for the petitioner, basing on the confessional statement given by accused No.1, the petitioner was implicated as accused No.22 in the present crime and there are no specific allegations against the petitioner. According to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents and so far 8 witnesses were already examined. The record further discloses that accused Nos.2, 6, 7, 9, 10, 12, 15, 16, 19 and 21 have approached this Court and filed CrI.P.Nos.7545, 7322, 7787, 7544, 6714, 7547, 7798, 7546, 7373, 7322 and 7450 of 2024 and this Court while disposing of the said Criminal Petitions, directed the Investigating Officer to follow the procedure laid down under Section 41-A of the Criminal Procedure Code, 1973 (Cr.P.C.)/Section 35(3) of BNSS and the guidelines issued by the Apex Court in **Arnesh Kumar's** case (supra). Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.22 on the following conditions:

- (i) The petitioner/accused No.22 is directed to surrender before the S.H.O., EOW Police Station, Cyberabad, on or before 11.04.2025 and on such surrender, he shall be enlarged on bail on executing a personal bond for a sum of

Rs.1,00,000/-(Rupees one lakh only) with two sureties for a like sum each.

- (ii) On such release, the petitioner/accused No.22 shall appear before the S.H.O., EOW Police Station, Cyberabad, on every Monday at 11:00 a.m. for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier.
- (iii) After release, the petitioner/accused No.22 shall not influence the witnesses or interfere with the investigation.
- (iv) The petitioner/accused No.22 shall abide by the conditions stipulated under Section 482 (2) of the BNSS and shall cooperate with the Investigating Officer in the investigation.

7. Accordingly, the criminal petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

Date: 07.04.2025

vsl

J. SREENIVAS RAO, J