

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.4934 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS) seeking anticipatory bail in Crime No.762 of 2025 on the file of Cyber Crimes Police Station, Cyberabad, for the offences punishable under Sections 318(4), 319(2), 336(3), 338 and 340(2) of Bharatiya Nyaya Sanhita (BNS) and Section 66D of the Information Technology Act, 2000.

2. The case of the prosecution is that on 22.03.2025, the Station House Officer, Cyber Crime Police Station, Cyberabad, received a complaint from the complainant stating that she got acquaintance with the accused through instagram ID @honeyy_priya in February, 2020, and got engaged in conversation through whatsapp (phone number: +917396663733) and after coming to know about her financial status, the accused made her invest huge amounts to a tune of

Rs.15,35,500/- in finance business by transfer through UPI numbers and when the complainant realized the fraud and asked the accused to return the amount, only an amount of Rs.4,42,500/- was returned and as on date, an amount of Rs.10,93,000/- is yet to be returned. Basing on the said complaint, the aforesaid crime was registered against the accused.

3. Heard Ms. Sandhya Rani Racharla, learned counsel representing M/s Disha Law Firm for the petitioner/accused and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

4. Learned counsel for the petitioner submits that the petitioner/accused has not committed the offence as alleged by the complainant and he is falsely implicated in the present crime and there are no specific allegations against the petitioner to attract the ingredients of Section 338 of BNS and all other offences under Sections 318(4), 319(2), 336(3) and 340(2) of

BNS and Section 66D of the IT Act are punishable with imprisonment of less than seven years. He further submits that the police, with an intention to harass the petitioner, have implicated the petitioner in the present crime by including Section 338 of BNS and the investigating officer has not followed the procedure prescribed under the provisions of Section 35(3) of BNSS and the guidelines issued by the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹. He prays that the petitioner be granted anticipatory bail as he is ready and willing to cooperate with the investigation and also abide by the conditions that are going to be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor opposed the bail petition and submitted that the petitioner has committed grave offence and received huge amounts from the complainant and the investigation is not yet completed and if the petitioner is enlarged on bail at this stage, there is every chance of his influencing the witnesses and interfering with the investigation.

¹ (2014) 8 SCC 273

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that basing on the complaint lodged by the complainant, the aforesaid crime was registered on 22.03.2025, and there are no specific allegations against the petitioner to attract the ingredients of Section 338 of BNS and all other offences levelled against the petitioner are punishable with less than seven years' imprisonment. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents.

7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner/accused subject to the following conditions:

- (i) The petitioner/accused is directed to surrender before the Station House Officer, Cyber Crimes Police Station, Cyberabad, on or before 22.04.2025.
- (ii) On such surrender, the Station House Officer, Cyber Crimes Police Station, Cyberabad, shall release the petitioner on bail on his executing a personal bond for a sum of

Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to the satisfaction of the said officer.

(iii) On such release, the petitioner/accused shall appear before the Station House Officer, Cyber Crimes Police Station, Cyberabad, on every Monday at 11:00 a.m., for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter as and when required for investigation.

(iv) The petitioner/accused shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/Section 482 of BNSS and shall cooperate with the investigation officer for conclusion of investigation.

8. Subject to the above directions, the Criminal Petition is allowed.

Pending miscellaneous applications, if any, shall stand closed.

Date: 16.04.2025
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J.SREENIVAS RAO, J