

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6784 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner/accused seeking bail in Crime No.93 of 2025 of Cyber Crime Police Station, Hyderabad, registered for the offences punishable under Sections 66-C and 66-D of the Information Technology Act, 2000 (for short 'IT Act') and Sections 111(2)(b), 318(4), 319(2), 336(3), 338 and 340(2) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of prosecution in brief is that on 11.01.2025, the de-facto complainant lodged a complaint stating that he has been running a Mee Seva center in Yousufguda since 2021. In 2022, the petitioner contacted him via social media (Telegram), claiming to be a chartered accountant involved in online trading. The petitioner persuaded him to invest money with promises of good returns. Initially, the complainant transferred Rs.10 lakhs, receiving Rs.2 lakhs as profit after one month. Trusting him further, he invested approximately Rs.1,86,73,469/- in multiple transactions between 01.03.2023 and 31.08.2023. These funds were sourced from friends and personal loans. When the complainant's

father was hospitalized, he requested the petitioner to return the money for medical expenses, however, the petitioner delayed payment and has not returned the invested amount to date, thereby cheating him to the tune of Rs. 1,86,73,469/-. Based on the complaint, the present crime was registered.

3. Heard Mr.Y.Ashok Raj, 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 is innocent person and he did not commit the alleged offence and he was falsely implicated in this crime. Even according to the allegations made in the complaint, the ingredients of Sections 111(2)(b) of the IT Act and 338 of the BNS are not attracted against the petitioner, and the punishment prescribed for the other offences is upto seven years and the alleged incident occurred between 01.03.2023 and 31.08.2023, but the de-facto complainant lodged complaint after lapse of long delay on 11.01.2025, without any explanation for the delay. He further submitted that similar complaints were filed by other victims against the petitioner, based on which Crime No. 40 of 2025 was registered at

South East Division CEN Police Station, Karnataka, Crime No. 344 of 2025 at Kushaiguda Police Station and Crime No. 1242 of 2025 at Cyber Crime Police Station. He further submitted that the petitioner was arrested on 05.05.2025 through PT warrant and since then he is in judicial custody and he is ready and willing to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court and hence, prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor the petitioner has committed a grave offence, causing a substantial loss of Rs.1,86,73,469/-, and has remitted only a small amount to the de-facto complainant. He further submitted that the investigation is under progress and mere granting of bail in other crimes is not a ground to seek bail in this crime. Hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 05.05.2025 through PT Warrant and since then he is in judicial custody. The record further reveals that other victims also lodged complaints against the petitioner, based on which Crime No.40 of 2025 was registered at South East Division CEN

Police Station, Karnataka, and the learned 45th Additional Chief Judicial Magistrate, Bengaluru, granted bail, Crime No.344 of 2025 was registered at Kushaiguda Police Station, and bail was granted by the learned II Additional Junior Civil Judge-cum-Judicial Magistrate of First Class in CrI.M.P.No.223 of 2025 and Crime No.1242 of 2025 was registered at Cyber Crime Police Station, bail was granted by the learned I Additional Junior Civil Judge-cum-IX Additional Judicial Magistrate of First Class, Kukatpally, Ranga Reddy District, in CrI.M.P. No. 1571 of 2025. According to the learned Additional Public Prosecutor, 5 witnesses were already examined.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused, subject to the following conditions:

(i) The petitioner/accused shall execute a personal bond for a sum of Rs.1,00,000/-(Rupees one lakh only) with two sureties for a like sum each to the satisfaction of the XII Additional Chief Judicial Magistrate at Hyderabad.

(ii) The petitioner/accused shall appear before the concerned SHO at 11.00 A.M. on every Monday, 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.

(iii) After release, petitioner/accused shall not influence the witnesses or interfere with the investigation.

(iv) After release, the petitioner/accused shall surrender his passport before the concerned Court and if he is not having passport, he shall file sworn affidavit before the concerned Court, within one week from today.

(v) The petitioner/accused shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date: 23.06.2025

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