

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.6809 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.5 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in Crime No.4 of 2021 on the file of the Station House Officer, CID, Hyderabad, registered for the offences punishable under Section 420 of the Indian Penal Code, 1860 (IPC) and Sections 4 and 5 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

2. No representation on behalf of the petitioner.
3. Heard Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.
4. The case of the prosecution is that on 06.09.2021 at about 16:30 hours, the *de facto* complainant filed a complaint against the petitioner and other accused stating that they started an online web multilevel marketing under binary system

showing attractive commissions by introducing various packages and free gift vouchers for purchase of gold, electronic, electrical goods, motor bikes and cars by luring gullible public and insisted new members to join the schemes for commission and cheated innocent people. Basing on the said complaint, the aforesaid crime was registered against the petitioner and other accused for the aforesaid offences.

5. In the petition, it is averred that the petitioner has not committed any offence and he was falsely implicated in the aforesaid crime and though the offences levelled against the petitioner are punishable with imprisonment upto seven years only, the police have arrested him without following the mandatory procedure prescribed under the provisions of Section 35(3) of BNSS, Section 41A of Cr.P.C. and the guidelines issued by the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹. It is also averred that the petitioner was arrested on 24.04.2025 and since then, he is in judicial custody

¹(2014) 8 SCC 273

and prays for grant of bail as he is ready and willing to cooperate with the investigating officer for investigation and abide by the conditions that may be imposed by this Court.

6. Per contra, learned Additional Public Prosecutor submits that the petitioner/accused No.5 has committed grave offence under the provisions of Section 420 of IPC and Sections 4 and 5 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 and the investigation is not yet completed and if the petitioner is granted bail at this stage, there is every chance of his influencing the witnesses and interfering with the investigation. Hence, he prays to dismiss this criminal petition.

7. Having heard learned counsel for the parties and on perusal of the record, it reveals that the offences levelled against the petitioner are punishable with imprisonment upto seven years and the petitioner was arrested on 24.04.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, 59 witnesses were already examined.

8. In view of the same, this Court is inclined to grant bail to the petitioner/accused No.5 subject to the following conditions:

(i) The petitioner/accused No.5 shall execute a personal bond for a sum of Rs.30,000/- (Rupees Thirty Thousand only) with two sureties for a like sum each to the satisfaction of the Additional Judicial First Class Magistrate, Warnagal.

(ii) On such release, the petitioner/accused No.5 shall appear before the concerned Station House Officer 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) The petitioner/accused No.5 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

(iv) After release, if the petitioner/accused No.5 indulges in similar offence, the respondent/State is at liberty to file an application seeking cancellation of bail.

9. Accordingly, the Criminal Petition is allowed.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 16.06.2025
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J.SREENIVAS RAO, J