THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION Nos.9877 and 9878 of 2025

ORAL ORDER:

These two Criminal Petitions are filed by the petitioners/accused Nos.2, 3, 4 and 6 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in connection with Crime No.16 of 2025 on the file of the Station House Officer, Ibrahimpatnam Police Station, Jagtial District, registered for the offences punishable under Sections 111(3) and 318(4) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), Section 66(D) of Information Technology Act, 2000 (for short 'the IT Act') and Section 3 of Telangana Gaming Act, 1974 (for short 'the Gaming Act').

2. Accused Nos. 2 and 3 have filed Crl.P.No.9878 of 2025 and accused Nos.4 and 6 have filed Crl.P.No.9877 of 2025. Hence, these three Criminal Petitions are heard together and disposed of by way of common order.

3. For convenience, the petitioners shall be hereinafter referred to as per their arraignment in the aforesaid crime.

4. The case of the prosecution is that on 27.01.2025 at about 14:00 hours, the *de facto* complainant lodged a complaint stating that he is a software employee and while checking cricket scores on the Cricket Line Guru app, he noticed advertisements for cricket betting displayed at the bottom of the screen, which were promoted by Kartikey Book (Kartikeya.com) and POWER 7777 and on clicking on the links, he was redirected to whatsapp chats of the said groups and he was provided various bank account details for depositing money and participating in worldwide live games and sports on their website and the *de facto* complainant deposited large sum through various transactions, participated in the online games and won several games, but however, he did not receive any payments and the concerned persons made false assurances that money will be deposited soon, but failed to so and as a result, the *de facto* complainant lost an amount of Rs.1,25,90,349/-. Basing on the said complaint, the aforesaid Crime was registered.

5. Heard Mr. Vinod Kumar Deshpande, learned Senior Counsel appearing for Mr.V.Agni Kumar, learned counsel for accused Nos.4 and 6 and Mr. E. Upender, learned counsel for accused No.2 and 3 respectively and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

6. Learned Senior Counsel appearing for accused Nos.2, 3, 4 and 6 submits that accused Nos.2, 3 , 4 and 6 have not committed any offence and in fact, they are also victims of accused No.1 and further submits that the entire allegations are levelled against accused No.1 only and they have been falsely implicated in the aforesaid crime though they neither participated in any of the online games and hence, the ingredients of Section 66(D) of IT Act and Section 3 of Gaming Act are not attracted against them. He further submits that even the ingredients of Section 111(3) of BNS are not attracted against accused as there are no continuing unlawful activities being carried out by them prior to lodging of the present crime and within the preceding period of ten years, no chargesheet has been filed against them before any competent court and no court has taken cognizance of any offence, much less the offence under Section 111(3) of BNS against them. He further submits that the other offence under Section 318(4) of BNS is punishable with imprisonment upto seven years only and accused Nos.2, 3, 4 and 6 were arrested on 05.06.2025 and since 66 days, they are in judicial custody and investigation in respect of accused Nos.2, 3 , 4 and 6 has been completed and they are not having any criminal antecedents and prays to grant bail to them as they are ready and willing to cooperate with the investigating officer for

investigation and abide by the conditions that may be imposed by this Court.

7. In support of his submissions, learned Senior Counsel relied upon a decision of the Kerala High Court in **Mohammed Hashim v. State of Kerala.**[1]

8. On the other hand, learned Additional Public Prosecutor submits that accused Nos.2, 3, 4 and 6 committed grave offence and specific allegations are levelled against them that they received huge amounts from accused No.1 and the ingredients of Sections 111(3) and 318(4) of BNS, Section 66(D) of the IT Act and Section 3 of the Gaming Act are attracted against them and the investigation is not yet completed and if petitioners are granted bail at this stage, there is every chance of their influencing the witnesses, interfering with the investigation and committing similar offences. Hence, he prays to dismiss this criminal petition.

9. Having heard learned counsel for the parties and on perusal of the record, it reveals that the entire allegations are levelled against accused No.1 only.

[1] 2024 SCC OnLine Ker 5260

10. At this stage, it is relevant to take note of Section 111(1) of BNS, which reads as under:

> 111. Organised Crime:- (1) Any continuing unlawful activity including kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, economic offence, cyber-crimes, trafficking of persons, drugs, weapons or illicit goods or services, human trafficking for prostitution or ransom, by any person or a group of persons acting in concert, singly or jointly, either as a member of an organized crime syndicate or on behalf of such syndicate, by use of violence, threat of violence, intimidation, coercion, or by any other unlawful means to obtain direct or indirect material benefit including a financial benefit, shall constitute organized crime.
>
> > *Explanation.* —For the purposes of this sub-section,—
> >
> > (i) "organised crime syndicate" means a group of two or more persons who, acting either singly or jointly, as a syndicate or gang indulge in any continuing unlawful activity;
> >
> > (ii) "continuing unlawful activity" means an activity prohibited by law which is a cognizable offence punishable with

> imprisonment of three years or more, undertaken by any person, either singly or jointly, as a member of an organised crime syndicate or on behalf of such syndicate in respect of which more than one charge-sheets have been filed before a competent Court within the preceding period of ten years and that Court has taken cognizance of such offence, and includes economic offence;
>
> (iii) "economic offence" includes criminal breach of trust, forgery, counterfeiting of currency-notes, bank-notes and Government stamps, hawala transaction, mass-marketing fraud or running any
>
> scheme to defraud several persons or doing any act in any manner with a view to defraud any bank or financial institution or any other institution organization for obtaining monetary benefits in any form.

11. From the above, it is clear that Section 111 of BNS can be invoked only if more than one charge sheet has been filed for such offences in the preceding ten years before a competent court and such charge sheets have been taken cognizance by the court. In

Mohammed Hashim v. State of Kerala (supra), a learned Single Judge of the Kerala High Court has emphasized the same. Admittedly, even according to the learned Additional Public Prosecutor, no chargesheet has been filed against accused Nos.2, 3, 4 and 6 before the competent court within the period of ten years preceding the registration of the present crime and no criminal antecedents are reported against them.

12. In view of the same, this Court is inclined to grant bail to accused Nos.2, 3, 4 and 6 subject to the following conditions:

> (i) Accused Nos. 2, 3, 4 and 6 shall execute personal bonds for a sum of Rs.50,000/-(Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the Judicial First Class Magistrate, Metpally, Jagitial District.
>
> (ii) On such release, accused Nos. 2, 3, 4 and 6 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) Accused Nos. 2, 3, 4 and 6 shall abide by the conditions stipulated in Section 483 (3) of BNSS.
>
> (iv) After release, if accused Nos. 2, 3, 4 and 6 indulge in similar offences, the respondent/State is at liberty to file an application seeking cancellation of bail.

13. Accordingly, these Criminal Petitions are allowed.

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

K. SUJANA, J

Date: 12.08.2025
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