

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.15323 of 2025

9th DAY OF DECEMBER 2025

Between:

Mohammed Shaan.

PETITIONER

The State of Telangana,
represented by Public Prosecutor
High Court for the State of Telangana,
Through SHO, Cyber Crime PS, Nizamabad,
And another.

RESPONDENTs

ORDER

This Criminal Petition is filed seeking to enlarge the petitioner on bail, who is arrayed as accused No.2 in Crime No.36 of 2025 before the Cyber Crime Police Station, on the file of the IV Additional Judicial Magistrate of First Class/Trial of Cases under Telangana Prohibition and Excise Court, Nizamabad, registered for the offences punishable under Sections 126(2), 318(4), 336(3), 338, 340(2) read with 3(5), 111 of BNS, and Sections 66-C and D of IT Act.

2. The brief facts of the case are that on 28.08.2025, the complainant was contacted by fraudsters impersonating telecom officials and later by persons posing as police and CBI officers, who through WhatsApp video calls, forged FIRs, fake CID documents, and a bogus debit card, falsely implicated her in criminal activities and threatened that large sums had been transferred into her account. Believing their representations, and on being directed to transfer funds for “verification,” she transferred Rs.18,00,000/- on 29.08.2025 from her SBI account to a Yes Bank account, after which she realized she had been cheated. She lodged a cyber complaint and investigation confirmed that the accused had used forged official documents and impersonation to deceive her.

3. Heard Sri Y. Soma Srinath Reddy, learned counsel for petitioner, and Sri Arun Kumar, learned Assistant Public Prosecutor appearing for respondent No.1 - State.

4. Learned counsel for the petitioner submitted that the entire case arises out of a cyber-fraud committed by unknown impersonators who deceived the de-facto complainant through fake calls, forged FIRs and fabricated documents, and that the only allegation against the petitioner rests on the coerced custodial “confession” of Accused No.5, which is inadmissible under Section 23 of the Bharatiya Sakshya Adhiniyam and uncorroborated. He

contended that the petitioner, a 20-year-old student with no criminal antecedents, was arrested merely on the pointing out of A5 and falsely shown as Accused No.2, though no act of cheating, impersonation, transfer of funds, handling of money or conspiracy is attributed to him, and the ingredients of the offences under Sections 126(2), 318(4), 336(3), 338, 340(2) and 111 BNS are not satisfied. He averred that Sections 338 and 111 BNS were added only to aggravate the seriousness of the case without factual basis, that investigation is already complete with devices seized and no further custodial interrogation required, and that continued incarceration would irreparably damage the academic future and reputation of petitioner. While advocating that the petitioner is law-abiding citizen, from a reputed family, willing to abide by any conditions and furnish sureties, and that prima facie no case is made out against him, he prayed the Court to grant bail to the petitioner by allowing this criminal petition.

5. On the other hand, the learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner, stating that the allegations leveled against the petitioner are of serious nature, therefore, prayed the Court to dismiss the criminal petition.

6. Having regard to rival submissions made, and on going through the material placed on record, it is noted that it is the specific contention of learned counsel for petitioner that petitioner is falsely implicated in the case. According to prosecution, the petitioner has taken commission and has sent account numbers to one Chinese mobile. It is noted that petitioner is in jail from 31.10.2025. The record would show that LWs.1 to 7 are already examined. Therefore, considering the facts and circumstances of this case in entirety, this Court deems it fit to grant bail to the petitioner, subject to following the below conditions:

- i. The petitioners shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each, to the satisfaction of the IV Additional Judicial Magistrate of First Class/Trial of Cases under Telangana Prohibition and Excise Court, Nizamabad.
- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Wednesday for a period of eight (8) weeks, for the purpose of investigation, and thereafter, as and when required.
- iii. The petitioner shall abide by the conditions stipulated in Section 480(3) of the BNSS, earlier known as Section 437(3) of Cr.P.C.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

Date: 09.12.2025
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K. SUJANA, J

THE HONOURABLE SMT JUSTICE K. SUJANA

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DATE: 09.12.2025

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