IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.3249 OF 2026

DATE :18.03.2026

Between:

Mahendra Singh Gwal

....Petitioner/A.2

AND

The State of Telangana,
Rep., by Public Prosecutor,
High Court of Hyderabad,
Through SHO P.S, Cyber Crimes,
Cyberabad District.

.....Respondent/Complainant

:ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking the Court to grant anticipatory bail to the petitioner/A.2 in the event of his arrest in connection with Crime No.1936 of 2025 of Cyber Crimes Police Station, Cyberabad District registered for the offences punishable under Sections 318(4), 319(2) of Bharatiya

Nyaya Sanhita, 2023 (for short 'BNS') and Section 66-D of Information Technology Act.

2. The facts of the case are that on 04.08.2025 at 12:30 hours, a complaint was lodged by Mr.Aman Agarwal alleging offences of cyber fraud, digital impersonation, criminal breach of trust, cheating, and mental harassment against Mr.Shashank Singh Gwal, Mr.Mahendra Singh Gwal, and Mr.Keshav Dutt. It was alleged that between 20.11.2018 and 29.06.2024, the complainant was deceived under the guise of a fabricated person, Natasha Sharma, and induced to transfer substantial amounts aggregating to Rs.70,87,488/- through various banking channels. It is further alleged that the accused misused credit cards, made fraudulent purchases of electronic gadgets, and coerced the complainant into taking loans, all of which were routed to their accounts.Upon digital verification, the complainant discovered that the impersonation was orchestrated by Shashank Singh Gwal, who admitted to the fraud but failed to repay the amounts. Consequently, the police registered the present Crime for the above offences.

3. Heard Sri S.Ganesh, learned counsel appearing for the petitioner, Sri M.Ramachandra Reddy, learned Additional Public Prosecutor appearing for 1st respondent – State and Sri S.Ugandhar Varma, learned counsel appearing for the implead respondent-defacto complainant.

4. The contention of learned counsel for the petitioner is that the allegations in the complaint, even if accepted at face value, do not disclose the essential ingredients of the offences alleged under Sections 318(4), 319(2) of BNS and Section 66-D of the I.T. Act. There is no material to show dishonest intention at the inception of the transactions. Moreover, all the alleged offences are punishable with imprisonment of less than seven years, yet the police are attempting to arrest without following the mandatory guidelines laid down by the Hon'ble Supreme Court in ***Arnesh Kumar v. State of Bihar***[1], which prohibit mechanical arrest. It is further contended that the prosecution's case is based entirely on voluntary monetary transactions spread over nearly six years, which cannot amount to cheating, impersonation, or cyber fraud. Mere receipt of money or transfer of funds into the petitioner's account, without proof of deception

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[1] (2014) 8 SCC 273

or inducement, does not attract criminal liability. The complaint is an attempt to convert a civil dispute into a criminal case.

5. Learned counsel further submits that material facts have been suppressed by the prosecution. Bank statements reveal that several transactions were also made by A.1 to the complainant's account, establishing that the dealings were mutual and reciprocal. The transaction records annexed to the complaint are self-prepared compilations, not certified by banks or supported by a certificate under Section 65 B of the Evidence Act, and therefore lack evidentiary value. He further contended that the complaint itself shows that proceedings were initiated only on account of alleged non-repayment of amounts, which were promised to be repaid upon sale of land. The initiation of criminal proceedings after non-repayment demonstrates that criminal law has been invoked for recovery, amounting to abuse of process. The learned counsel further contends that the complaint suffers from inordinate delay, as the transactions began in 2018 but the complaint was lodged only in August 2025, showing that the allegations are an afterthought. The petitioner has no criminal antecedents, he is a permanent resident, and has cooperated with the investigation. The

investigation is substantially complete, witnesses have been examined, documents collected, and nothing remains to be recovered from the petitioner. As such, custodial interrogation is therefore unnecessary and prayed to grant anticipatory bail to the petitioner.

6. The contention of learned Additional Public Prosecutor is that the complaint prima facie discloses offences alleged against the petitioner. It is contended that the material collected during investigation, including witness statements and bank transactions, indicates that petitioner induced the complainant to transfer money on false assurances, thereby attracting the ingredients of cheating and cyber fraud. The investigation is still in progress and the role of other persons and the flow of funds are yet to be fully ascertained. Grant of bail at this stage may hamper the investigation and enable the petitioner to influence witnesses or tamper with evidence. Therefore, considering the seriousness of allegations, the petitioner is not entitled to bail and prayed to dismiss this petition.

7. Learned counsel for the defacto complainant also opposed bail stating that the allegations against the petitioner are severe

in nature. Unless he is arrested, the investigation cannot be completed. Hence, prayed this Court to dismiss this petition.

8. Considering the submissions made by the respective counsel and the material placed on record, the document filed by the petitioner shows that A.1 already refunded amount to the defacto complainant in the year 2024 itself. In view of the same, this Court deems it appropriate to grant anticipatory bail to the petitioner subject to the following conditions :

i. The petitioner shall surrender before the Station House Officer, Cyber Crimes Police Station, Cyberabad District within two weeks from today, and on such surrender, the said Station House Officer shall release the petitioner on bail on his executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, for the like sum each.

ii. The petitioner shall appear before the concerned SHO between 09.00 a.m and 05.00 p.m., on every Wednesday for a period of eight (8) weeks, for the purpose of investigation or till filing of charge sheet whichever is earlier and thereafter, as and when required.

iii. The petitioner shall abide by the other conditions stipulated in Section 482 (2) of BNSS and co-operate with the Investigating Officer in investigating the case.

9. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 18.03.2026
Rds

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