IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.8489 OF 2026

DATE : 22.06.2026

Between:

Mohammed Sohail

...Petitioner

AND

The State of Telangana

…Respondent

ORDER:

This Criminal Petition is filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita*, 2023 (for short, "BNSS"), seeking the relief of anticipatory bail.

2. The petitioner is arrayed as accused No.6 in FIR No.41 of 2026 on the file of Rein Bazar Police Station, Hyderabad, registered for the offences punishable under Sections 316(2) and 318(4) of *Bharatiya Nyaya Sanhita*, 2023 (for short, "BNS").

3. Heard Mr. Mohammed Amair Sohail, learned counsel appearing for the petitioner and Mr.Syed Yasar Mahmood, the learned Additional Public Prosecutor representing the respondent-State.

4.1. The prosecution case, in brief, is that the de facto complainant came into contact with Accused No.1, who, in turn, introduced her to Accused No.2.

It is alleged that Accused No.2 induced the de facto complainant to participate in a pyramid business model associated with *Forever Living Imports (India) Private Limited* and the marketing of healthcare products. According to the prosecution, the scheme was represented as a lucrative business opportunity capable of generating substantial returns.

4.2. It is alleged that, acting upon contact details of prospective participants allegedly furnished by Accused No.4, the de facto complainant persuaded five individuals to enroll in the said business through her network and consequently transferred an amount of Rs.1,50,000/- to Accused No.2 through online banking transactions. Subsequently, when neither the promised returns accrued nor any satisfactory response was received from the accused persons, the de facto complainant suspected that she had been deceived and lodged the police report, resulting in registration of the crime.

4.3. The prosecution further alleges that the present petitioner was inducted into the business venture by Accused No.1 and was subsequently designated as a Manager within the organizational hierarchy of the scheme. It is alleged that the petitioner enrolled nearly forty members under his identification code, facilitated collection of amounts aggregating approximately Rs.5,00,000/-, and earned commissions generated from such enrollments.

5.1. Learned counsel appearing for the petitioner contends that the petitioner has been falsely implicated and has no involvement whatsoever in the commission of the alleged offences. It is submitted that the de facto complainant has not specifically named the petitioner in the complaint nor attributed any overt act to him. Learned counsel further points out that although the investigating agency has referred to the petitioner's name in the remand report pertaining to accused Nos.1 and 2, even therein no distinct role demonstrating his complicity in the alleged fraudulent activities has been assigned to him.

5.2. Learned counsel, on instructions, submits that the petitioner had no connection with the management, administration, or decision-making process of the entity allegedly promoting the pyramid business model. It is argued that, even according to the prosecution version, the petitioner's role was confined to enrolling members into the scheme, while all monies collected from participants were directly remitted to the firm concerned. It is specifically contended that the petitioner neither exercised control over the funds so collected nor participated in formulating or propagating any deceptive representation with an intention to induce members dishonestly.

5.3. It is further submitted that the petitioner is prepared to cooperate with the investigation in all respects, shall appear before the Investigating Officer whenever required, and undertakes to abide by any condition that may be imposed by this Court. On these premises, learned counsel seeks the relief of anticipatory bail.

6.1. Per contra, the learned Additional Public Prosecutor opposed the application, contending that the petitioner was functioning as a Manager within the pyramid structure allegedly operated by accused Nos.1 and 2 and that the material collected during the course of investigation prima facie establishes his active participation in enrolling members, mobilizing investments, and receiving commissions arising therefrom.

6.2. It is further contended that the petitioner was not merely a participant but was instrumental in expanding the network of the alleged pyramid scheme, which is stated to have been operated in contravention of the prohibitory framework governing money circulation and prize chits. According to the prosecution, the petitioner's conduct facilitated inducement of unsuspecting members of the public to part with money under the promise of financial benefits and commissions.

6.3. The learned Additional Public Prosecutor further submits that the petitioner is allegedly involved in similar offences registered at different police stations, thereby indicating a continuing course of conduct. It is also contended that, if enlarged on anticipatory bail, there exists a likelihood of the petitioner absconding, influencing witnesses, tampering with documentary or electronic evidence, or engaging in similar unlawful activities. The prosecution therefore asserts that custodial interrogation is necessary for an effective and comprehensive investigation and accordingly prays for dismissal of the application.

7. I have carefully considered the rival submissions advanced by the learned counsel.

8. The principal allegations against the petitioner are that he participated in the pyramid scheme allegedly promoted by accused Nos.1 and 2, enrolled approximately forty members into the business structure, and received commission for such enrollments.

9. At this stage, it is well settled that while considering an application for anticipatory bail under Section 438 Cr.P.C., the Court is not expected to conduct a meticulous examination of the evidence or record findings on the ultimate culpability of the accused. The Court is required to examine whether custodial interrogation is genuinely warranted and whether the applicant is likely to abscond, tamper with evidence, or obstruct the course of investigation.

10. In the present case, even according to the prosecution version, there is no material at this stage to prima facie demonstrate that the petitioner was a promoter, proprietor, or person in control of the firm or that he had actively participated in devising or disseminating any fraudulent representations with a dishonest intention from the inception. The allegations indicate that the petitioner himself appears to have joined the business structure in a manner not substantially different from that of the de facto complainant and that his role was essentially confined to enrolling participants and receiving commissions generated therefrom.

11. Furthermore, the petitioner has expressed his willingness to cooperate with the investigation and there is presently no material placed before the

Court demonstrating that his custodial interrogation is indispensable for effective investigation. In the absence of compelling circumstances necessitating custodial detention, and balancing the interests of investigation with the petitioner's fundamental right to personal liberty under Article 21 of the Constitution of India, this Court is of the considered opinion that a fit case for grant of anticipatory bail is made out, subject to conditions to secure his continued cooperation with the Investigating Agency and to ensure an unimpeded investigation.

12. Accordingly, the Criminal Petition is allowed. The petitioner shall be enlarged, subject to the following conditions:

(A) The petitioner/Accused No.6 shall surrender before the Station House Officer, Rein Bazar Police Station, Hyderabad on or before 07.07.2026. Upon such surrender or in the event of arrest the Station House Officer shall release them on bail on execution of a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties for a like sum each, to the satisfaction of the said officer.

(B) The petitioner shall appear before the Investigating officer on every Tuesday and Saturday between 11.00 am and 02.00 pm for a period of twelve (12) weeks from the date of his release on bail and shall cooperate with the investigation in all respects.

(C) The petitioner shall furnish his complete residential addresses and contact details to the Investigating Officer and shall keep the same updated throughout the course of investigation.

(D) The petitioner shall not either directly or indirectly induce, threaten, influence, or contact any prosecution witness, nor shall he tamper with the prosecution evidence in any manner whatsoever.

13. It is made clear that any observations made herein are confined solely to the adjudication of the present application for anticipatory bail and shall not be construed as an expression on the merits of the case.

Miscellaneous applications, if any pending, shall stand closed.

N.TUKARAMJI, J

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CHS

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