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IN THE COURT OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE, UDUPI AT UDUPI.

PRESENT

Sri K.S. Gangannavar, **B.Com., LLB., (Spl.)**
Principal District & Sessions Judge, Udupi

Dated this 24th day of June, 2026

Crl. Misc. No.240/2026

Petitioner	Mohammed Saleem Yusuf S/o Javid Basha, Aged about 36 years, R/at No.5/9, Indira Colony, East Last Street, Annanagar, Melmadai, Madhurai -625020. (By Ms. Namitha K., Advocate)
	/Vs/
Respondent	The State through S.H.O., Udupi CEN Police Station, Udupi District. (By Learned Public Prosecutor, Udupi)

ORDER ON PETITION U/s 482 of B.N.S.S.

Accused facing allegations of the offences punishable under Sections 308(6), 318(4) BNS and Section 66C and 66D of IT Act, in Crime No.9/2026 of Udupi CEN Police Station, has filed this petition.

2. According to complainant– K. Raghavendra Rao, on 11.01.2026 at about 3.00 p.m. there was a phone call from TRAI (+39019906020) to complainant's

mobile No.9964280509. Caller introduced himself as the one from Telephone Regulatory Authority of India informing that a case is registered against the complainant in Colaba Police Station, Mumbai on the ground that there are illegal activities and threatening calls through phone No.8450960790 standing in his name. Further, the caller asked to immediately contact Colaba Police for NOC otherwise, his phone No.9964280509 will be disconnected. Saying that, he himself will connect the complainant to Colaba Police connected the call to 8367346765. The person who attended the call claimed himself to be Colaba Police and informed that using his mobile number, an account was opened in Canara Bank, Colaba Branch for illegal transfer of Rs.4.90 crores and the money belongs to one Naresh Goyal and a Special Investigation Team is formed by High Court to investigate into the matter. Then the call transferred to one Vikram Rathod who was in Police Uniform and claimed himself to be Investigating Officer disclosing his ID number. Said person cautioned the complainant that he might be arrested if not cooperated in the investigation. In this manner, he made series of phone calls and obtained various documents under the guise of enquiry and the case will be transferred to ED for joint investigation. One person claiming himself to be Rajesh Mishra, Director of ED, obtained bank account and property details of complainant, on 16.01.2026 asked him to transfer Rs.4,00,000/- from the bank account of complainant's wife to secret account of Finance Department allegedly for fund verification. Again, got transferred Rs.21,00,000/- on 19.01.2026 from the bank account of complainant's wife and Rs15,00,000/- from the bank account of complainant on 23.01.2026. Thus, complainant was cheated causing loss of Rs.40,00,000/-. Hence, sought for action.

3. During investigation, it came to light that the amount so received from complainant is transferred to different bank accounts. One of those bank accounts, account No.0625053000006943 of South Indian Bank, Madhurai Branch, is standing in the name of the present petitioner. Even he is found to have withdrawn

so deposited at Rs.5,00,000/- on two occasions. Notice is duly served under Section 35(3) of BNSS. In this background, petitioner is apprehending his arrest.

4. In support of the relief, the petitioner has contended that, he is working as Manager in Royal Engield Showroom, Madhurai. He is having family, has no criminal antecedents. He is innocent of the offences alleged. In fact, his friends Karan and Bharanidharan representing that they are doing real estate business, had asked him to allow transfer of money from their friend through his bank account as their accounts were frozen. Then got the amount withdrawn. Thereafter, they got opened another bank account in his name at South Indian Bank, Annanagar Branch through one Ms. Durga to which Rs.10,00,000/- was transferred on 14.01.2026 the very day of opening the account and was withdrawn by those two persons. Later on 19.01.2026 they again took the petitioner to said bank and withdrew Rs.10,00,000/-. Petitioner has no knowledge about the details of transactions made through is bank account. However, on knowing that it

was fraudulent transfer, petitioner has lodged complaint before the Commissioner of Police, Madhurai City on 15.05.2026. He also sent letter of explanation dated 18.05.2026 through post, to the Investigating Officer in this case. Still, he is apprehending his arrest in this crime at any time and he is likely to be subjected to ill-treatment. He is ready and willing to assist in the investigation and to abide by the conditions of bail and to furnish surety. Hence, sought to allow the petition.

5. Learned Public Prosecutor filed objections with the I.O. Report. In his detailed objections he has contended that investigation is in progress. During the course of investigation, petitioner did not comply with notice issued under Section 35(3) of BNSS. On 14.01.2026 petitioner has withdrawn Rs.10,00,000/- deposited into his bank account. Investigation further revealed that said bank account is used in connection with a similar crime registered in Quarsi Police Station of Aligarh District in Uttar Pradesh. Presence of petitioner is necessary to ascertain whether he has used it for self or handed over the same to someone else

so also his links with cyber criminals. Petitioner is from Tamilnadu. If granted bail, it would be difficult to secure him for investigation and trial. He is likely to repeat the offence, abscond, threaten the prosecution witnesses and destroy evidence. Hence, prays for rejecting the petition.

6. Heard both sides. Perused the materials.

7. Point that arise for consideration is:

"Whether the petitioner is entitled for anticipatory bail?

8. Above point is answered in the negative for the following:

R E A S O N S

9. The allegations are of cyber fraud wherein the complainant was made to believe that he was being contacted by officials of TRAI, Police Department and Enforcement Directorate and was induced to transfer a total amount of Rs.40,00,000/-. During the course of investigation, it is revealed that the amount so received from the complainant was transferred to different bank accounts, including the account standing in the name of the present petitioner.

10. The petitioner does not dispute that his bank account was used for receiving the alleged cheated amount and that the amount so deposited was withdrawn. The explanation offered by the petitioner that his friends had requested him to permit use of his account as their accounts were frozen requires verification during the course of investigation and cannot be accepted at this stage.

11. The petitioner, being the account holder, is expected to know the responsibility attached to maintaining and operating a bank account. Permitting another person to use his bank account, credentials or financial facilities without verifying the purpose and nature of the transactions cannot be considered a mere act of friendship. Such conduct creates a channel for misuse of banking facilities and facilitates transfer of illegally obtained money.

12. In cyber crimes of this nature, persons who provide their accounts for receiving or transferring money become an important link in the chain of crime. A person who allows his account to be used by others

cannot avoid responsibility by simply stating that he was unaware of the transactions. Such conduct, at the least, reflects lack of due care and caution in handling financial facilities entrusted to him.

13. The Investigating Officer is required to ascertain the actual role of the petitioner, whether he was merely a facilitator or had knowledge about the fraudulent transactions, and also to find out his connection with other persons involved in the crime. It is also brought to the notice of this Court that the said account was allegedly found connected with another cyber crime registered at Quarsi Police Station, Aligarh District, Uttar Pradesh.

14. The nature of allegations require a thorough investigation. At this stage, granting anticipatory bail will affect the investigation and will hamper the collection of relevant materials.

15. The facility of maintaining bank accounts and using digital platforms is provided for genuine and lawful purposes. Such facilities carry a corresponding responsibility on the users. A person who permits his

account, credentials or digital identity to be used by others without exercising minimum care and caution cannot claim complete ignorance of the consequences arising out of such conduct. Such acts may indirectly facilitate cyber criminals and cause serious financial loss to innocent persons.

16. This Court is of the opinion that the increasing misuse of banking facilities and digital platforms in cyber offences requires serious attention. The concerned authorities may consider evolving appropriate mechanisms to identify and prevent misuse of such facilities by persons who knowingly or repeatedly permit their accounts and digital identity to be used for unlawful activities, while ensuring that genuine users are not adversely affected.

17. Providing banking and digital facilities is a responsibility coupled with accountability. Persons who fail to exercise necessary caution and allow such facilities to become tools in the hands of cyber criminals cannot seek discretionary relief without the Court considering the consequences of such conduct.

18. Having regard to the above circumstances and considering the stage of investigation, this Court is of the opinion that the petitioner has not made out grounds for grant of anticipatory bail.

19. Accordingly, above point is answered in the negative. Hence, the following:

ORDER

The petition U/Section.482 of BNSS is hereby rejected.

(Dictated to the Stenographer Grade-I, transcript revised/corrected, then pronounced in the open court on 24th day of June, 2026)

(K.S. Gangannavar)
Principal District & Sessions Judge,
Udupi