IN THE COURT OF I ADDITIONAL DISTRICT AND SESSIONS JUDGE, WEST GODAVARI :: ELURU.

Present: **Sri N.Srinivasa Rao**,
I Additional District and Sessions Judge,
West Godavari, Eluru.

Tuesday, on this the 1st day of November, 2022

Crl.M.P.No.634/2022 in Cr.No.258/2022 of Eluru Rural Police Station

Between

D.Arun, S/o.Durai Raju, 35 years, r/o.K3F1, Asta Lakshmi Nagar, Mangadu, Chennai City, Tamilnadu State.

---Petitioner/Accused No.4.

And

The State: S.H.O., Eluru Rural P.S., represented by Public Prosecutor, W.G.Dt., Eluru.

---Respondent/complainant

This petition has come on 27-10-2022 before me for hearing in the presence of Sri P.Thambi, learned Counsel for petitioner/Accused No.4 and learned Additional Public Prosecutor for respondent; and upon hearing the arguments, perusing the material on record and the matter having stood over for consideration, this Court made the following:

O R D E R

The Petitioner, who is figured as Accused No.4 has filed bail application under Section 439 of Code of Criminal Procedure, 1973 in Crime No.258/2022 of Eluru Rural Police Station for the alleged offence punishable under Sections 417, 420, 384,386, 389, 409, 506 r/w.34 of Indian Penal Code and Sections 66 (D) and 67 (A) of Information Technology Act 2000-2008.

2. Notice given to learned Addl. Public Prosecutor. Learned Addl. Public Prosecutor submitted C.D. File.

3. Heard Counsel for Petitioner/Accused No.4 and learned Additional Public Prosecutor.

4. Now, the point for consideration is:

Whether the* petitioner/accused No.4 can be *granted bail?

5. **POINT:**

Briefly, the case of the prosecution is that, on 29-7-2022 at 3-00 P.M., the first informant – Appalabakthula Nagendra Murthy presented a detailed report to the Police stating that, he has been living in sGudivaka Lanaka Village, Eluru Mandal and he is doing Lab Technician work, and in the month of June, 2022, he has taken an amount of Rs.3,000/- from Online “Loan Bro” Application, which was downloaded through Google Play Store, towards loan by submitting my identity proofs and repaid the loan in stipulated period, and even after discharging the loan amount, he has received messages from some finance providers viz., Public Loan, Rupay, Cash Banana and Acting Cash applications, regarding the sanction of loan to him, ;and transferred some amount to his account and demanded to repay the loan even after cleared the loan, thereby harassed him through Whats App calls and phone calls daily from Phone Nos.639978249527, 919648928366, 918755382541, 8801754517434, and sthey also threatening that they wound damage his dignity by sending his morphed photos along with Aadhar Card to his friends linked in social media, and due to intolerable harassment made by them, he has paid an amount of Rs.70,000/- to discharge the principle amount of Rs.30,000/-, though they sending links to him and demanded to repay the due amounts and also sent his contact list to him and threatening that they would torture his contacts and also morph his photos found in his phone storage, and that he suspects continues threat from the aforesaid online loan applications regarding to disgrace of his dignity which morphed his photos and his family members available in his phone. The report is registered in Cr.No.258/2022 of Eluru Rural Police Station under Sections 417, 506 of Indian Penal Code and Sections 66 (D) and 67 (A) of Information Technology Act 2000-2008.

i. During the course of investigation, the transaction history of Phone Pay as well as Paytm made by the defacto-complainant has been obtained and sent particulars to Cyber safe portal maintained by Minister of Home Affairs, New Delhi for suspect bank accounts with IFSC Code details and obtained particulars of IDFC Bank, Visakhapatnam Branch vide A/C.No.1010092312940, and Notice under Section 91 Cr.P.C., was given to IDFC Bank, Visakhapatnam for supply of account holder details and also to freeze the account, and accordingly, obtained account particulars, IFSC Code and addresses of the account holders, and HDFC Bank, Lakdikapool Branch, Hyderabad forwarded suspect Account No.50100522868977 with linked Mobile Number 7989396352 in respect of A-1, as well as the IDFC Bank, Daba Gardens Branch, Visakhapatnam forwarded suspect Account No. 10092312940 with linked mobile number 93946 6913 in respect of A-2 – Kethadi Venkatesh, and HDFC Bank, Alanga Nallur Branch, Madurai, Tamilnadu State forwarded suspect Account No.50100522887162 with linked Mobile Number 86809 98806 in respect of A-3 – Nagamuttu Vellaiyammal Arut Selvan, and also received information for Axis Bank, T.Nagar Branch, Chennai with suspect Account No.921020057858926 with linked Mobile Number 810034776 of A-4 – Arun, and basing on the said information, A-1 to A-4 were served 41(A) Cr.P.C., to present before the investigation officer on 3-10-2022 at 12.00 Noon., and on 3-10-2022 A-1 was appeared before the investigation officer, and on enquiry, it is came to know that A-1 has total knowledge about the instant Loan App mafia, and put the defacto-complainant in fear in order to extortion of money, and morphing images of family members of defacto-complainant available in his mobile phone data, for which A-1 was enquired before the mediators and he confessed about commission of occurrence, and he further confessed that A-1 received an amount of Rs.90,15,892/- as recovery agent and transferred the same to his higher ups, and a mediators report was drafted to that effect, and A-1 Katike Sandeep was arrested and seized the mobile phone of A-1 in the presence of mediators under the cover of mediators report.

ii. A-2 Kethadi Venkatesh was quizzed before the mediators on 3-10-2022 at 3-30 P.M., and he confessed about the commission of occurrence of offence and he further confessed that he received an amount of Rs.1,63,32,921/- as recovery agent and transferred the same to his higher ups, and on the confession made by A-2 and on perusal of chatting history of mobile phone of A-2, he was arrested and seized mobile phone of A-2 in the presence of mediators under the cover of mediators report.

iii. A-3 Nagamuttu was enquired in the presence of mediators on 3-10-2022 at 5-00 P.M, and he confessed about the commission of occurrence of offence and he further confessed that he received an amount of Rs.81,99,589/- as recovery agent and transferred the same to his higher ups, and he stated that one Vigneswaran of Mudrai, who introduced him and appointed him as recovery agent accompanied him from Madurai to Eluru to release him from the case, and on the confession made by A-3 and on perusal of chatting history of mobile phone of A-3, he was arrested and seized mobile phone of A-3 in the presence of mediators under the cover of mediators report. Basing on the confession of A-3, the name of Vigneswaran was added as Accused No.5.

iv. A-4 Arun was enquired in the presence of mediators on 3-10-2022 at 6-15 p.m., and he confessed about the commission of occurrence of offence and he further confessed that he received an amount of Rs.39,50,403/- as recovery agent and transferred the same to his higher ups, and on the confession made by A-3 and on perusal of chatting history of mobile phone of A-4, he was arrested and seized mobile phone of A-4 in the presence of mediators under the cover of mediators report.

v. On the confession made by A-3, A-5 Vigneswaran was enquired in the presence of mediators on 3-10-2022 at 7-30 p.m., and he confessed about the commission of occurrence of offence, and on the confession made by A-5 and on perusal of chatting history of the mobile phone belongs A-5, he was arrested and seized mobile phone of A-5 in the presence of mediators under the cover of mediators report. As the investigation reveals the offences of cheating, extortion by putting a person in fear of death, accusation of an offence, the Section of Law was altered by adding Sections 420, 384, 386, 389, 409 r/w.34 I.P.C., by filing a memo before the Court.

6. The learned Counsel for the petitioner/Accused No.4 vehemently contended that the petitioner never committed the alleged offence and he is no way concerned with the alleged offence and he was falsely implicated in this crime. Investigation is completed in this case except filing of charge sheet. He further contended that the petitioner is working as daily wage earner and he has no technical knowledge for doing such indulging practice and he is not a recovery agent and he never harassed the defacto-complainant. He further contended that the petitioner is resident of Tamilnadu and he is having wife, minor children and old aged parents and

he is sole breadwinner of his family, and the petitioner is ready and willing to furnish sufficient sureties for his release on bail, and requested to grant bail.

7. Per contra, the learned Additional Public Prosecutor opposed bail application and contending that investigation is pending for arrest of A-6 and A-7 in this crime.

8. Perused the material on record and C.D. File.

9. Having considered the facts and circumstances of the case and in view of the serious allegations leveled against petitioner/A-4 and in view of strong prima facie material against Petitioner, and considering the submission of the prosecution that the release of the petitioner/A-4 would hamper the investigation and as the investigation is in progress, and in the said facts of the case, I am not inclined to grant bail to the petitioner/A-4. Accordingly, the point is answered against the petitioner.

10. ***In the result***, petition is dismissed.

Typed to my dictation by the Stenographer Gr-I directly on computer device, corrected and pronounced by me in open Court, on this the 1st day of November, 2022.

Sd/- N. Srinivasa Rao
I ADDITIONAL SESSIONS JUDGE,
WEST GODAVARI, ELURU.