



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3396]

FRIDAY, THE EIGHTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 4299/2026

Between:

1.MARAM MOHAN, S/O VEERA NAGENDRA RAO, ABOUT 32 YEARS,
AMMAPADA APARTMENTS, ASHRAMAM ROAD,BHAVANIPURAM,
VIJAYAWADA, NTR DISTRICT

...PETITIONER/ACCUSED

AND

1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY THE
STATION HOUSE OFFICER, CYBER POLICE STATION,
VIJAYAWADANTR DISTRICT.

...RESPONDENT/COMPLAINANT

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court pleased to enlarge the petitioner on bail in Crime No. 39 of 2026 dated 18-04-2026 111(2)b (added later), 318 (4), 319 (2), 336 (1) BNS 2023 & Section 66 (D) of Information Technology Act 2000-2008of BNS of Cyber Crime Police Station, NTR District, on such terms and conditions as this Hon'ble Court deem fit and proper in the circumstances of the case.

IA NO: 1 OF 2026

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant interim Bail to the petitioners in connection with Crime No. 39 of 2026 dated 18-04-2026 111(2)b (added

later), 318 (4), 319 (2), 336 (1) BNS 2023 & Section 66 (D) of Information Technology Act 2000-2008 of BNS of Cyber Crime Police Station, NTR District pending disposal of the Criminal Petition and pass

Counsel for the Petitioner/accused:

1.VENKATA NARAYANA RAO VEDULA

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL PETITION NO: 4299 OF 2026****ORDER:**

This Criminal Petition, under Sections 480 and 483 of the BNSS, has been filed by the petitioner herein/Accused No.1, seeking regular bail, in Crime No. 39 of 2026 dated 18-04-2026 on the file of Cyber Crime Police Station, NTR District registered for the offences punishable under Sections 111(2)b (added later), 318 (4), 319 (2), 336 (1) Bharatiya Nyaya Sanhitha, 2023 (for short “BNS”) and Section 66 (D) of Information Technology Act 2000-2008.

2. The prosecution case, in brief, is that the de facto complainant has been running a business under the name and style of “RAJ Enterprises” since 2004, registered with GSTIN 37AAHFR1592H1ZY, and maintaining a cash credit loan account with Kotak Mahindra Bank. It is alleged that when he applied for an additional business loan, he noticed a drastic fall in his credit rating and, upon verification of his CIBIL/MSME report, he found that two unknown persons, namely Kotha Srinivasa Rao and Chandan Babu, had fraudulently projected themselves as partners of his firm and obtained loans in the name of RAJ Enterprises from various financial institutions, including Tata Capital (Rs.7 lakhs), HDB Finance (Rs.3 lakhs), EPI Money (Rs.10 lakhs), and Kinara Capital (Rs.30 lakhs), leading to defaults and civil suits against the firm. It is further alleged that on enquiry with the said financial institutions, it was revealed that the accused persons had created and used forged documents

such as a fake GST certificate and a fabricated MSME/Udyam Registration certificate using the complainant's genuine details and bank account, thereby committing fraud and causing wrongful loss to the complainant.

3. Heard Sri Venkata Narayana Rao Vedula, learned counsel for the petitioner and Ms.K.Priyanka Lakshmi, learned Assistant Public Prosecutor representing on behalf of the State.

4. Learned counsel for the petitioner would submit that the petitioner is innocent and has nothing to do with the alleged offence. It is submitted that initially the case was registered under Sections 318(4), 319(2), and 336(1) of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS") and Section 66-D of the Information Technology Act, 2000, and subsequently an alteration memo was filed adding Section 111(2)(b) of the BNS. It is further submitted that the petitioner was arrested and produced before the Court on 02.05.2026 and has been in judicial custody since then. Learned counsel would contend that except the subsequently added provision, all other offences are punishable with imprisonment of less than seven years, and that Section 111 of the BNS has no application to the facts of the case as there are no other cases pending against the petitioner and only one crime is registered against him, whereas the said provision requires at least two charge sheets to be filed against the accused to attract its applicability. It is further submitted that the petitioner undertakes to abide by any conditions that may be imposed by this Court and is ready to furnish sureties to the satisfaction of the Court.

5. Learned Assistant Public Prosecutor representing the State has fairly conceded that only one criminal antecedent exists against the petitioner. However, it is submitted that it is not a case where two charge sheets were required to be filed against the petitioner by the date of registration of the present crime. She would further submit that the Court may pass appropriate orders.

6. A plain reading of Section 111 of BNS indicates that the following essential ingredients must be satisfied: (i) commission of offences enumerated under the provision; (ii) the Accused being a member of an organised crime syndicate; (iii) commission of the offence as a member of, or on behalf of, such 6 syndicate; (iv) more than one charge-sheet having been filed against the Accused within the preceding ten years for cognizable offences punishable with imprisonment of three years or more, and cognizance taken thereon; (v) commission of the crime by use of violence, threat, intimidation, coercion or other unlawful means.

7. In the present case, as admitted by the learned Assistant Public Prosecutor, the petitioner has only one criminal antecedent. The Police have registered the present crime including the offence under Section 111(2)(b) of BNS without any legally admissible material to attract the said provision. The Police, based on the complaint given by the complainant, registered the present crime for the offences under Sections 318(4), 319(2), 336(1) of BNS and Section 66(D) of Information Technology Act, 2000-2008 and subsequently added the offence under Section 111(2)(b) BNS, without there

being any admissible material or evidence against the Accused to attract the offence under Section 111(2)(b) of BNS. Except the offence under Section 111(2)(b) of BNS, the remaining offences, registered in the present crime, are punishable with imprisonment below seven years.

8. Considering the submissions made and upon perusal of the material placed on record, it is noted that *prima facie*, the Section 111 of the BNS has no application to the facts of the present case, and that the other offences alleged against the petitioner are punishable with imprisonment of less than seven years. It is further noted that the petitioner has been in judicial custody since 02.05.2026. In the above circumstances, this Court is of the view that the continued incarceration of the petitioner at this stage is not warranted. Accordingly, this Court is inclined to enlarge the petitioner/Accused No.1 on bail, subject to the following conditions;

- i. The petitioner/Accused No.1 shall execute personal bond for a sum of Rs. 20,000/- (Rupees Twenty Thousand only) with two sureties for a like sum each, to the satisfaction of the learned III Additional Chief Judicial Magistrate, Vijayawada.
- ii. The petitioner/Accused No.1 shall appear before the Investigating Officer as and when required and shall cooperate with further investigation, if any.
- iii. The petitioner/Accused No.1 shall not directly or indirectly tamper with evidence nor influence, intimidate, or induce any prosecution witness.

- iv. The petitioner/Accused No.1 shall appear before the Station House Officer, concerned, once in a week i.e., on every Sunday between 10.00 a.m. and 5.00 p.m. till further orders.
 - v. The petitioner/Accused No.1 shall not commit or indulge in commission of any offence in future.
 - vi. The petitioner/Accused No.1 shall surrender his passport, if any, to the concerned Court. If he claims that he does not have a passport, he shall submit an affidavit to that effect to the concerned Court.
 - vii. The petitioner/Accused No.1, shall not leave the country without obtaining prior permission of the concerned Court.
9. In the event of violation of any of the above conditions, the prosecution shall be at liberty to seek cancellation of bail.
10. It is also made clear that the observations made in this order are only for the purpose of deciding the bail application and they shall not be construed as opinion on the merits of the Crime.
11. Accordingly, this Criminal Petition is allowed.

As a sequel thereto, the miscellaneous applications, if any, pending in this Criminal Petition shall stand closed.

DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 08.05.2026.

Note: Issue CC today,

B/o.

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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 4299 OF 2026

Dt.08.05.2026

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