IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.10314 OF 2026

DATE : 15.07.2026

Between:

Shaik Mohid Pasha

...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.3 in FIR No.169 of 2026 of Police Station Cyber Crime, Cyberabad, registered for the offences punishable under Sections 318(4), 319(2), 336(3), 338, 340(2) read with 3(5) of *Bharatiya Nyaya Sanhita*, 2023 (for short, "BNS") and Section 66-D of Information Technology Act, 2000 (for short, "IT Act").

3. Heard Mr.L.V.Ramana Rao, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor representing the respondent-State.

4.1. Briefly stated, the prosecution case is that the de facto complainant, after noticing an advertisement on Instagram, enrolled on an online platform purportedly associated with UPSTOX, which claimed to provide assistance in developing trading and investment skills. In the course of his participation on the said platform, the complainant came into contact with accused Nos.1 and 2, who allegedly induced him to make successive investments by representing that substantial profits would accrue therefrom. Acting upon such representations, the complainant is stated to have invested a cumulative sum of Rs.80,35,976/-. Thereafter, the platform allegedly displayed a virtual profit of Rs.6,07,94,132.15 in the complainant's account. However, when the complainant attempted to withdraw the said amount, the withdrawals were allegedly blocked, and he was directed to pay a further sum of Rs.60,79,413.21 towards commission and tax as a pre-condition for releasing the alleged profits. Suspecting that he had been deceived by a fraudulent online investment scheme, the complainant lodged the present complaint, pursuant to which the subject crime came to be registered for the offences alleged.

4.2. The specific allegation against the present petitioner is that he introduced accused No.4, who was allegedly the holder of one of the bank accounts used in the commission of the offence, to accused Nos.1 and 2, and that a portion of the defrauded amount was transferred to the account of accused No.4. On the strength of these allegations, the investigating agency has sought to implicate the petitioner in the alleged conspiracy and the commission of the offences under the relevant provisions of the BNS or IT Act, and other applicable penal statutes, subject to the outcome of the investigation.

5.1. Learned counsel appearing for the petitioner submits that the allegations levelled against the petitioner are wholly unfounded and devoid of any credible material connecting him with the alleged fraudulent transactions. It is contended that the petitioner has been falsely implicated merely because his name finds mention in the complaint, without there being any overt act or incriminating material demonstrating his conscious involvement in the alleged offence. Learned counsel further submits that the petitioner is a cab driver by profession, has no criminal antecedents whatsoever, and enjoys a clean record. It is argued that the essential ingredients constituting the alleged offences are not prima facie made out against the petitioner and that his custodial interrogation is neither warranted nor indispensable for the purpose of investigation.

5.2. It is further submitted that the petitioner has been willing to cooperate with the Investigating Officer and comply with any condition that may be imposed by this Court. On the aforesaid grounds, learned counsel prays for granting the relief of anticipatory bail.

6.1. Per contra, the learned Additional Public Prosecutor vehemently opposed the petition, contending that the investigation conducted thus far has revealed that the petitioner is closely associated with accused No.4 and that his role in the alleged financial transactions is under active investigation. It is submitted that the Call Detail Records (CDRs) collected during the course of investigation prima facie establish frequent communication between the petitioner and accused No.4, thereby indicating their association in relation to the alleged criminal conspiracy.

6.2. The learned Additional Public Prosecutor further submits that the investigation is still at a nascent stage, several material witnesses are yet to be examined, the money trail remains to be fully unearthed, and the proceeds of crime are yet to be comprehensively traced. It is contended that custodial interrogation of the petitioner may become indispensable to ascertain the complete modus operandi adopted by the accused persons, identify other beneficiaries of the fraudulent transactions and trace the flow of funds. It is therefore argued that grant of anticipatory bail at this stage is likely to impede a fair and effective investigation.

7. I have carefully considered the rival submissions and perused the material available on record.

8. It is now well settled that the object of granting anticipatory bail is to safeguard the individual's fundamental right to personal liberty, while at the same time ensuring that the investigation is not obstructed. The power to grant anticipatory bail is an extraordinary discretionary remedy, to be exercised judiciously upon a careful evaluation of the facts and circumstances of each case. In *Gurbaksh Singh Sibbia v. State of Punjab,* (1980) 2 SCC 565, the Constitution Bench of the Hon'ble Supreme Court held that no inflexible or straitjacket formula can be prescribed for the exercise of jurisdiction under the provision and that the discretion of the Court must be guided by the nature of the accusation, the role attributed to the accused, the possibility of his absconding, the likelihood of his influencing witnesses or tampering with evidence, and the overall interests of justice.

9. In the present case, the specific allegation against the petitioner is that he had introduced accused No.4 to accused No.1. Except for the said allegation, no prima facie material has, at this stage of the investigation, been brought on record to demonstrate the petitioner's active participation in the alleged conspiracy, his involvement in the fraudulent inducement of the de facto complainant, or his direct participation in the diversion or receipt of the alleged proceeds of crime. Mere association with a co-accused or

introduction of one person to another, in the absence of any material indicating a meeting of minds or conscious participation in the commission of the alleged offences, cannot, by itself, constitute sufficient ground to deny the discretionary relief of anticipatory bail. Whether the petitioner had any culpable role is a matter that would necessarily be established during the course of investigation and, ultimately, at trial on the basis of legally admissible evidence.

10. Having regard to the nature of the accusations, the absence of any criminal antecedents, and the fact that no specific material has been placed before this Court to demonstrate that his custodial interrogation is indispensable for an effective investigation, this Court is of the considered opinion that the balance tilts in favour of preserving the petitioner's liberty. At the same time, the legitimate interests of the investigating agency can be adequately protected by imposing suitable conditions.

11. Accordingly, the Criminal Petition is allowed, subject to the following conditions:

> (A). The petitioner/Accused No.3 shall surrender before the Station House Officer, Police Station Cyber Crime, Cyberabad, on or before 30.07.2026. Upon such surrender or in the event of arrest the Station House Officer shall release the petitioner on bail on execution of a personal bond for a sum of Rs.25,000/- (Rupees

Twenty-Five Thousand only) with two sureties for a like sum each, to the satisfaction of the said Officer.

(B) The petitioner shall appear before the Station House Officer on every Saturday between 10.00 a.m. to 03.00 p.m. for a period of eight (8) weeks from the date of his release on bail and shall cooperate with the investigation in all respects.

(C) The petitioner shall remain available for interrogation as and when required during the course of investigation and shall extend full cooperation to the investigation.

(D) The petitioner shall furnish his complete residential address, mobile number and other contact particulars to the Investigating Officer and shall promptly intimate any change therein.

(E) The petitioner shall not directly or indirectly induce, threaten, influence, or promise any person acquainted with the facts of the case, nor shall he tamper with prosecution evidence in any manner whatsoever.

12. 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

Date: 15.07.2026
CHS

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

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