

Uttamkumar Ashokbhai Mangukiya & Ors. Vs State Of Karnataka Cyber Crime Ps., Bengaluru City, Karnataka, Rep. By State Public Prosecutor, High Court Building, Bengaluru-560001

Court: Karnataka High Court At Bengaluru

Date of Decision: Feb. 5, 2025

Acts Referred: Bharatiya Nagarik Suraksha Sanhita, 2023 â€” Section 483
Information Technology Act, 2000 â€” Section 66(C), 66(D)
Bharatiya Nyaya Sanhita, 2023 â€” Section 111(3), 318(4), 319(2)

Hon'ble Judges: Hemant Chandangoudar, J

Bench: Single Bench

Advocate: Mahesh Kiran Shetty, M.R. Patil

Final Decision: Allowed

Judgement

Hemant Chandangoudar, J

1. This petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is filed by the petitioners/accused Nos.1 to 3 seeking regular bail

in Crime No.33/2024 registered by the Cyber Crime Police Station, Bengaluru City, Bengaluru for the offences punishable under Sections 66(C),

66(D) of Information Technology Act, 2000 and Section 318(4), 319(2) and Section 111(3) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution alleges that the complainant, a Nodal Officer of Fashnear Technology Private Limited (MEESHO), an e-commerce platform

operating across India, facilitates transactions between buyers and sellers who list their products on its platform. During these transactions, customers

occasionally face issues such as receiving incorrect or missing products, which are reflected and addressed on the MEESHO platform.

3. It is further alleged that Accused Nos. 1 to 6 misappropriated funds meant for refunds related to defective products sold on the platform. The

petitioners/accused Nos.1 to 3, who were apprehended, after recording their voluntary statement have been sent to judicial custody.

4. Heard the learned counsel for the petitioners and the learned High Court Government Pleader for the respondent-State.

5. The allegation is that accused No.4 received money from the complainant towards defective product from the complainant and, in turn, accused

No.4 transferred the money to the account of accused No.1 who, in turn, transferred the money to the accounts of accused Nos.2 and 3. The

allegation of entrusting the money towards defective product is against accused No.4 and the money was not entrusted to accused Nos.1 to 3 by the

complainant. The Bank accounts of accused Nos.1 to 3 to which the money was alleged transferred have been frozen at the instance of the

Investigating Officer. Therefore, petitioners/accused Nos.1 to 3 are not required for further custodial interrogation.

6. In light of the above, the petitioners have established a prima facie case for granting bail. Hence, I pass the following:

ORDER

i) Accordingly, the criminal petition is allowed.

ii) The petitioners/accused Nos.1 to 3 are enlarged on bail in Crime No.0033/2024 registered by Cyber Crime Police Station Bengaluru City,

Bengaluru, pending on the file of 45th Addl. CMM Court, Bangalore City, subject to following conditions:

a) Petitioners/accused No.1 to 3 shall furnish a personal bond for a sum of Rs.1 lakh with one surety for the likesum to the satisfaction of the

jurisdictional Court.

(b) They shall appear before the Court as and when required.

(c) They shall appear before the Investigating Officer(s) and co-operate in the investigation as and when summoned.

(d) They shall not threaten or allure the prosecution witnesses in whatsoever manner.

(e) They shall not get involved in similar offences.

(f) They shall not leave the territorial limits without prior permission of the Investigating Officer.