

(2025) 05 AP CK 0295

In the Andhra Pradesh High Court, Amaravati

Case No : Criminal Petition No: 4899 Of 2025

Kuncham Avinash Benjamin

APPELLANT

Vs

State Of Andhra Pradesh

RESPONDENT

Date of Decision : 22-05-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 480, 483
Bharatiya Nyaya Sanhita, 2023 — Section 6(12), 109, 123, 127(2), 131, 308(2),
318(4), 351(2)
Information Technology Act, 2000 — Section 67

Citation : (2025) 05 AP CK 0295

Hon'ble Judges : DR. Y. Lakshmana Rao, J

Bench : Single Bench

Advocate : R Siva Sai Swarup

Final Decision : Dismissed

Judgement

Dr Y. Lakshmana Rao, J

1. The Criminal Petition has been filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS'), seeking to enlarge the petitioner/Accused No.2 on bail in Cr.No.413 of 2024 of Bheemunipatnam Police Station, Visakhapatnam, registered against the petitioner/Accused No.2 herein for the offence punishable under Sections 318(4), 308(2), 127(2), 123, 131, 351(2), 109, 6(12) of Bharatiya Nyaya Sanhita and Section 67 of Information Technology Act, 2000.

2. The facts of the prosecution in a nutshell is that the Petitioner/Accused No.2 colluded with Joy Jamima/Accused No.1 and indulged in honey trapping by luring the gullible rich persons and extorted huge amounts in crypto currency. The Petitioner in collusion with Accused No.1 trapped rich persons took their photographs and videos with Accused No.1, threatened them and extorted from them huge money and gold, on a threat that if they did not yield their request they would post the photographs and videos in social media. The Petitioner/

Accused No.1 with the help of other accused trapped several rich people in the society and extorted money from them. The Petitioner with the aid of Accused No.1 and other Accused used to threaten several persons and extorted money illegally.

3. Heard learned counsel for the petitioner and the learned Assistant Public Prosecutor. Perused the record.

4. Sri R.Siva Sai Swarup, learned counsel for the Petitioner submits that the Petitioner has not committed any offence and he was falsely implicated in this case. The Petitioner would abide by any condition to be imposed by this court.

5. Per contra, the learned Assistant Public Prosecutor, opposed in granting of bail stating that the Petitioner has been involved in similar offences, the investigation is not completed and some more material witness have to be examined and the amount in crypto currency have to be traced out and recovered. If the Petitioner is enlarged on bail, he would hamper the investigation and threaten the witnesses with dire consequences; and he would escape from the clutches of law; and urged to dismiss the bail petition.

6. I have perused the entire material available on record produced by the Investigating Officer. The accusations are well founded against the Petitioner. If the Petitioner is enlarged on bail at this juncture, there is every likelihood of Petitioner hampering the investigation and threatening the witnesses. Investigation clearly discloses that the Petitioner conspired with Accused No.1 and other Accused, extorted huge amounts in crypto currency by threatening innocent people. Therefore, it is not right stage to enlarge the Petitioner on bail. Hence the Criminal Petition is liable to be dismissed.

7. In the result, the Criminal Petition is dismissed.