

Smt. Jyothi Kakkar vs The State Of Karnataka on 19 March, 2020

CRL.P.NO.8457/2019

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF MARCH, 2020

BEFORE

THE HON'BLE MRS. JUSTICE K.S.MUDAGAL

CRIMINAL PETITION NO.8457 OF 2019

BETWEEN:

1. SMT JYOTHI KAKKAR
D/O SRI VINOD KUMAR KAKKAR
AGED ABOUT 29 YEARS
RESIDENT OF NO.12/133
GEETA COLONY, EAST DELHI
DELHI - 110 031
DIRECTOR OF
M/S BINZ HOLIDAYS PVT. LTD.
HAVING ITS OFFICE AT
C-18/251, ACHARYA NIKETHAN
MAYUR VIHAR, PH-1
DELHI-110 091
2. SMT ANUSHU KAKKAR
D/O SRI VINOD KUMAR KAKKAR
AGED ABOUT 27 YEARS
RESIDENT OF
NO.12/4, GEETA COLONY
GANDHI NAGAR
EAST DELHI, DELHI-110 031
DIRECTOR OF
M/S BINZ HOLIDAYS PVT. LTD.
HAVING ITS OFFICE AT
C-180/251, ACHARYA NIKETHAN
MAYUR VIHAR, PH-1
DELHI-110 091

... PETITIONERS

(BY SRI.MAHESH B.J., ADV.)

CRL.P.NO.8457/2019

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AND

THE STATE OF KARNATAKA BY
CYBER CRIME POLICE STATION
BANGALORE
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560 001

...RESPONDENT

(BY SMT. NAMITHA MAHESH B.G., HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438
OF CR.P.C PRAYING TO ENLARGE THE PETITIONERS ON BAIL
IN THE EVENT OF THEIR ARREST IN CR.NO.3985/2019 OF
CYBER CRIME POLICE STATION, BENGALURU CITY FOR THE
OFFENCE P/U/S 66(C) AND 66(D) OF INFORMATION
TECHNOLOGY ACT, 2000 READ WITH SECTIONS 420 AND 419
OF IPC.

THIS CRIMINAL PETITION COMING ON FOR ORDERS THIS
DAY, THE COURT MADE THE FOLLOWING:

ORDER

Apprehending their arrest in Crime No.3985/2019 of Cyber Crime Police Station, Bengaluru, petitioners have filed this petition seeking anticipatory bail.

2. Petitioners are the Directors of the company called M/s.Binz Holidays Pvt. Ltd. engaged in providing travel services. Complainant - Abhijeet booked travel plan for visiting United Kingdom and Schengen Country paying online Rs.4,31,504/- to M/s. Binz Holidays Pvt. Ltd.

3. Complainant alleged that the company inducing him collected the amount, but did not organize the tour as per the schedule, thereby cheated him. It was further alleged that despite his demand, the amount was not refunded.

4. On the basis of such complaint, Cyber Crime Police have registered Crime No.3985/2019 for the offences punishable under Sections 66(C) and 66(D) of Information Technology Act, 2000 and Sections 420 and 419 of IPC.

5. Since the petitioners are the Directors of the said Travel service company i.e., Biz Holidays Pvt. Ltd., they apprehend their arrest in the said case.

6. According to the petitioners, they had processed the travel programme of the complainant by submitting all records as required. It is their further contention that though they received visa of United Kingdom they could not get Schengen visa within the scheduled departure time. Therefore, the travel programme could not take off.

7. Learned counsel for the petitioners submits that the petitioners have already refunded the collected money to the complainant and they are ready to co- operate for the investigation.

Therefore, he seeks anticipatory bail.

8. Learned HCGP opposes the petition on the ground that the petitioners are residents of Delhi and if anticipatory bail is granted they may not appear for investigation and hamper the investigation.

9. Section 66(C) and 66(D) of the Information Technology Act, 2000 relates to an Act of identity theft and impersonation by using computer resource. Prima facie no such allegations are found in the complaint. Out of the other IPC offences, the offence under Section 420 IPC is the major offence which carries imprisonment upto 7 years.

10. All the transactions in the case are based on the electronic documents. There is no chance of the petitioners meddling with that. Under the circumstances, it is a fit case to grant anticipatory bail with suitable conditions. Therefore, the petition is allowed.

The petitioners are granted anticipatory bail in Crime No.3985/2019 of Cyber Crime Police Station, Bengaluru City. If they are arrested in the said case, they shall be released on bail subject to the following conditions:

(i) Petitioners shall appear before the Investigating Officer within ten days from the date of receipt of copy of this order.

(ii) Petitioners shall execute personal bonds in a sum of Rs.1,00,000/- each and furnish two sureties in the likesum to the satisfaction of the Investigating Officer/Jurisdictional Court for their appearance as and when required.

(iii) The Investigating Officer is at liberty to subject the petitioner to interrogation and recovery, if any;.

(iv) Petitioners shall not tamper the prosecution witnesses by threats, inducement or otherwise.

(v) Petitioners shall appear before the Investigating Officer/Court as and when required for the purpose of investigation/trial.

(vi) Petitioners shall not leave the country without the prior permission of the trial court.

Sd/-

JUDGE KG