

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.9858 of 2024

ORDER :

Petitioner/accused No.4 has filed this petition under Sections 480 and 483 r/w 187 (2) of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail in Crime No.243 of 2024 of P.S. Panjagutta. The offences alleged are under Sections 166, 409, 427, 201, 120(B) r/w 34 of IPC and Section 3 of Public Property (Prevention of Damage) Act, 1985 and Sections 65, 66, 66(F) (1) (B) (2) & 70 of The Information Technology Act, 2000.

2. Heard Sri V.Surender Rao, learned counsel for petitioner/accused No.4 and Sri Palle Nageshwara Rao, learned Public Prosecutor appearing for the respondent-State and perused the record.

3. Case of the prosecution is that petitioner/accused No.4 has worked in the State Intelligence Bureau (SIB) from December, 2021 to December, 2023 and was in-charge of Urban Front Team in the SIB, being assisted by three Inspectors, one RSI, one

ARSI, 5 HCs and 10 Constables. He used to discharge his duties from the first floor of SIB building. It is stated that the SIB is a Specialized Intelligence Agency established exclusively for the purpose of collection of intelligence on the banned CPI (Maoist) party and other affiliated organizations in the State to protect the Society from the dangers of violent activities of the said banned outfit. It is alleged that the petitioner/accused No.4, instead of collecting the intelligence information relating to Maoist activities, he, under the leadership of accused No.1 Sri T.Prabhakar Rao, IPS retired and who was working as Chief of Operations of SIB and also the other accused in the crime, directed his subordinates to collect the information relating to several politicians and common people and also the Judges of this Court for the benefit of the then Ruling BRS Party. The information thus collected by the petitioner/accused No.4 and the other accused in the crime has been used by the then ruling political party during the General Elections of 2023.

4. The further case of the prosecution is that after general elections of 2023 when the results were declared and the ruling

party was defeated, all the accused persons in the crime have conspired together and destroyed the hard disks of the computer systems in the SIB apprehending that their illegal activities will be known to the party coming into power. The main case of the prosecution is that valuable intelligence data collected over Decades was there in the hard disks and such valuable information was lost due to the acts of the accused persons destroying the hard disks, posing threat to the safety and security of the State as well as the Country.

5. It is the further case of the prosecution that the petitioner herein was arrested on 24.03.2024 and was taken into custody from 29.03.2024 to 02.04.2024 *vide* orders of the trial Court and on interrogation, the petitioner/accused No.4 has confessed to have committed the offences alleged, and therefore, his confession statement was recorded in the presence of panch witnesses and at the instance of the petitioner/accused No.4, the Investigating Officer proceeded to the SIB Office and seized the computer systems and laptops used by the petitioner and his team, upon which it came to light that hard disks of those

systems were replaced with new ones after destroying the old ones.

6. Learned counsel for petitioner submits that the petitioner is falsely implicated in this case and he has nothing to do with the alleged developing of profiles of persons, monitoring of communications of such persons, unauthorized transfer of electronic data and destruction of electronic storage devices. It is contended by the learned counsel for petitioner that the petitioner/accused No.4 has discharged his duties as per the directions of accused No.1/the then Chief of Operations of the SIB and he never took his independent decisions. It is stated that the grounds of arrest as well as relevant documents were not furnished to the petitioner at the time of his arrest on 24.03.2024 and that the purported confession statement was recorded in gross violation of the directions of the trial Court. It is further stated that the charge sheet was filed on 10.06.2024, it was returned by the trial Court on 18.06.2024, which was resubmitted on the same day but was again returned on 22.06.2024 and that by 21.06.2024, 90 days have been completed from the date of his

arrest and as the charge sheet was not taken on file as on 22.06.2024 i.e. on the 91st day of his arrest, there was no charge sheet/final report on record, and therefore, the petitioner was entitled for statutory bail even on the said ground, however, the trial Court has dismissed the application for statutory bail on the ground that the return of charge sheet does not give any right of default bail to the petitioner. It is further submitted that the petitioner is a public servant and will be available for trial/investigation and accordingly prayed to release the petitioner on bail.

7. On the other hand, it is contended by the learned Public Prosecutor that all the accused in the crime have formed into a group under the leadership of accused No.1/the then Chief of Operations of SIB and have committed the illegal activities of preparing the profiles of certain political leaders, common public and also the Hon'ble Judges of this Court and used such information for the benefit of the then ruling party and also for their personal benefit. It is contended that destruction of hard disks of the computer systems in the SIB has resulted in losing

the valuable intelligence data collected over Decades, and due to the acts of the accused persons there is threat to the security of the State as well as the Country. Thus, the accused in this crime have committed grave offences by misusing their official capacity. It is further submitted that accused Nos.1 and 6 are yet to be arrested and accused No.1 is now in USA and a red corner notice is issued through inter-poll to get him back to India.

8. It is further submitted by the learned Public Prosecutor that the FSL report relating to the mobile data of the accused persons was received after filing of charge sheet, and therefore, further investigation is to be conducted into the matter and the prosecution is to file supplemental charge sheet. It is submitted that as the petitioner has deliberately misused his official capacity and used his entire staff for the illegal activities of collecting data relating to the personal lives of the targeted people, he is not entitled for grant of bail at this stage, as further investigation is to be conducted into this grave offence by analyzing the FSL reports. It is also submitted that as charge sheet was filed before 90 days of arresting the accused, the trial

Court has rightly dismissed the application for statutory bail. Accordingly, he prayed for dismissal of this petition.

9. The undisputed facts of the case are that all the accused persons in this crime are working in the SIB of the State of Telangana. Accused No.1 is the Chief of the Operations of the SIB. The allegation against them, as could be seen from the charge sheet and the other material filed by the prosecution is that, though they are meant for collecting intelligence information relating to the banned extremist organization, they conspired with the then ruling party and prepared the profiles of several persons including the political leaders, common public and even the High Court Judges by collecting their personal data. When there was a change in the political leadership of the State after 2023 elections, all the accused persons, apprehending that they will be prosecuted for their misdeeds done during the regime of previous Government, have destroyed the hard disks of the computer systems in the SIB and thrown the same in Musi River. According to the prosecution, the hard disks contain confidential intelligence reports relating to the safety of the State

and the Country, and with the acts of accused, the security of the State is under threat. Accused No.1 is a retired IPS under whose guidance all the officers have worked. Petitioner/accused No.4 is Additional Superintendent of Police and he was provided with 20 Officers, and *prima facie* it appears that with his team, he has collected the personal information of several individuals. Even according to the petitioner/accused No.4, he discharged his duties as directed by accused No.1. Being in a responsible post, the petitioner must be aware of the consequences of his acts and he must be in a position to distinguish as to what are his official responsibilities and what are not and he cannot simply contend that he worked as per the directions of the accused No.1.

10. The prosecution has filed voluminous documents including the details of several persons whose phones were tapped and whose information was gathered by the team of accused persons. *Prima facie*, the information submitted by the prosecution discloses grave misdeeds of the SIB officials including the petitioner/accused No.4 and his team. Though the learned counsel for petitioner as well as learned Public Prosecutor have

relied on certain decisions of the Hon'ble Supreme Court, the same may not be gone into at this stage, as granting or rejecting the bail depends on facts of each case and gravity of the offence alleged and the necessity of keeping the petitioner in custody.

11. In the present case, it is evident that FSL report has been received after filing the charge sheet. The FSL report contains information relating to the mobile phones/laptops used by the accused persons, including the mobile phone of petitioner/accused No.4. The data retrieved from the phone of petitioner herein needs to be analyzed for further investigation. It is to be further noted that two crucial witnesses i.e. accused No.1/the then Chief of Operations of the SIB, who is in USA and accused No.6, are yet to be apprehended. All the accused are Police officials and are in high positions. Further, as voluminous data is to be analyzed and supplemental charge sheet is to be filed by the prosecution, this Court is of the considered view that it is not a fit case to grant bail to the petitioner/accused No.4 at this stage.

12. Petition is accordingly dismissed.

Pending miscellaneous applications, if any, shall stand closed.

JUVVADI SRIDEVI, J

Date:01.10.2024

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