

Party Name : SUPRIYO CHAKRABORTY Vs THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

Heard learned counsel for the parties.

This is an application for grant of anticipatory bail filed by the applicant, (Sri Supriyo Chakraborty) in respect of FIR No.56 of 2012 registered with Police Station Lefunga under Section 420 of IPC read with Sections 66-A & 66-C of the Information Technology Act, 2000 (for short, the Act). Section 66-A of the Act has been held to be unconstitutional and therefore, this complaint can only be treated to be one under Section 420 IPC read with Section 66-C of the Act.

The prosecution story briefly stated is that the complainant received an e-mail allegedly from some company in the United Kingdom whereby the complainant was informed that he had won a sum of five lakhs pounds in a lottery. The complainant got lured into this scam and he was asked to deposit a sum of Rs.10,000/- in one account and slowly and steadily the complainant was also asked to deposit further amounts including one amount of Rs.15,000/- in an account of one Sri Rahul Sengupta of BSI Branch. In the Bank records of this Rahul Sengupta the photograph is that of the applicant. This is the only evidence against him. The case of the applicant is that somebody may have used his photograph to create a false account but he did not open the said account.

This Court have been granting various dates and asking the applicant to cooperate with the prosecution. It is not disputed that the applicant has cooperated with the prosecution and has told them whatever he knew. Whether the account of Rahul Sengupta is that of the applicant or some other person is cannot be decided at the stage of bail application. However, it was quite clear that the case set up by the applicant cannot be thrown out at this stage.

Therefore, this Court is of the view that since the applicant has cooperated with the investigation and no other evidence has to be collected and the main culprits are still at large, the applicant should be granted anticipatory bail and accordingly, it is directed that in the event of his arrest, the applicant (Sri Supriyo Chakraborty) shall be enlarged on bail on his furnishing a bail bond in the sum of Rs.10,000/- (Rupees ten thousand) with one surety in the like amount to the satisfaction of the Arresting Officer subject to the following terms and conditions:-

- (i) The applicant is directed not to tamper with or in any manner influence the prosecution witnesses;
 - (ii) The applicant is further directed not to in any manner try to influence any of the prosecution witnesses;
 - (iii) The applicant is further directed not to cause any hindrance in the investigation;
 - (iv) The applicant shall not leave India without permission of the appropriate Court;
 - (v) In case, the applicant violates any of the conditions or tries to delay the trial the prosecution shall be at liberty to approach this Court for cancellation of bail.
- Application is disposed of.

On the applicant filing application for supply of the copy on payment of appropriate fees, the copy of the same shall be supplied to him by tomorrow.