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CALCUTTA HIGH COURT
CIRCUIT BENCH OF
AT JALPAIGURI
APPELLATE SIDE

C.R.M. 50 of 2019

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 29/03/2019 in connection with Alipurduar P.S. Case No.43 of 2019 dated 08.02.2019 under Sections 120B/167/217/218/409/468/471 of the Indian Penal Code read with Sections 25/26 of Indian Telegraph Act, 1885, read with Sections 66/72/72A of Information Technology Act.

And

In the matter of: Pradip Rath

....petitioner.

Mr. Jayanta Narayan Chatterjee
Mr. Suvodip Dhar
Mr. Sandip Dutta
Mr. Bejloy Bikram Das

...for the petitioner.

Mr. A.S. Chakraborty
Mr. Anirudha Biswas

...for the State.

The petitioner seeks bail in connection with Alipurduar P.S. Case No.43 of 2019 dated 08.02.2019 under Sections 120B/167/217/218/409/468/471 of the Indian Penal Code read with Sections 25/26 of Indian Telegraph Act, 1885, read with Sections 66/72/72A of Information Technology Act.

The petitioner was last posted as the officer-in-charge, special operation group, Alipurduar District Police. Serious charges have been brought against the petitioner for the petitioner having apparently hacked into the e-mail records of

senior police officials and others. It appears from the case diary produced by the State that the petitioner may have links with Bharati Ghosh, an erstwhile police official of great disrepute.

The petitioner has been in custody from or about February 8, 2019. The seizure list has been placed and it appears that substantial incriminating material has been recovered.

The State says that the petitioner attempted to break and hide his phone by throwing it into a waterbody but the phone has been recovered in a broken condition. The State says that the departmental proceedings have been initiated against the petitioner and the petitioner has been placed under suspension.

Considering the charges brought against the petitioner and the material already gathered, there does not appear to be any need for the further custodial interrogation of the petitioner as long as the petitioner cooperates with the investigation and reports to the investigating officer as and when called for. Further, the petitioner will not enter any police station or police office unless expressly called for by the investigating officer.

Subject to the above, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount, to the satisfaction of the Additional Chief Judicial Magistrate, Alipurduar on the conditions that he shall not intimidate the witnesses or tamper with the evidence in any manner whatsoever and he shall appear before the trial court on every date of

hearing.

In the event of violation of any of the conditions, the trial court will be at liberty to cancel the bail without reference to this Court.

The prayer for bail is allowed, subject to the conditions stated above.

Certified website copies of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Sanjib Banerjee, J.)

(Suvra Ghosh, J.)