

08.12.2020
SI. No.40
akd
[ALLOWED]

C. R. M. 9808 of 2020 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 24.11.2020 in connection with Bidhannagar Cyber Police Station Case No. 83 of 2020 dated 09.11.2020 under Sections 170/385/419/34 of the Indian Penal Code.

And

In Re: ***Prasanta Das***

... .. Petitioner

Mr. Sourav Chatterjee .. Advocate

Mr. Supratik Roy .. Advocate

Mr. Sudipta Roy .. Advocate

... .. for the petitioner

Mr. Bivas Chatterjee .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that the de-facto complainant had a large sum running over nine crores due and payable to the firm of the petitioner. In retaliation, he has been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner is the conspirator and had employed the co-accused to personate a member of the investigating wing attached to the Central Government to extort money from the de-facto complainant.

We have considered the materials on record. There are documents to show that there are earlier transactions between the parties. It is claimed that over nine crores is due and payable to the petitioner. Whether such materials would constitute motive for participation in the crime or not may be assessed at the appropriate stage of the proceeding. In view of the aforesaid facts and as the principal accused has already been arrested and is presently on regular bail, we are of the opinion progress of investigation does not require

custodial interrogation of the petitioner although he requires to cooperate with the investigation in accordance with law.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Prasanta Das***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the Investigating Officer once in a week until further orders.

The application for anticipatory bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)