

**CRM 11296 of 2020
(Through Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bidhannagar Cyber Crime P.S. Case No.60 of 2020 dated 30.07.2020 under Sections 419/420/468/469/471/409/120B of the Indian Penal Code.

And

In the matter of: **Samiran Saha**

.... Petitioner

Mr. Rajdeep Mazumdar
Ms. Arushi Rathore
Mr. Zohaib Rauf
Mr. Soumitava Chakraborty

... For the Petitioner

Mr. Bivas Chatterjee

... For the State

The petitioner's grievance is that, although the primary accused is absconding, the petitioner was charged with Sections 419/420/468/469/471/409 and 120B of the Indian Penal Code and has been in custody for some time.

Learned counsel for the petitioner submits that Section 409 was wrongly clamped, since the petitioner does not come within the purview of the said provision. Moreover, learned counsel for the petitioner argues that, considering the nature of the offence, the petitioner ought to be granted bail.

Learned counsel for the State-respondent submits that the offence could be traced to the mobile phone of the petitioner, more particularly, to the IP address of the petitioner. As such, since the trial is proceeding, it would not be prudent to enlarge the petitioner on bail at this stage.

Considering the nature of the offence and that the trial is on the verge of commencement, we are of the opinion that grant of bail to the petitioner at this stage might influence the trial of the matter.

Accordingly, CRM 11296 of 2020 is dismissed.

Urgent photostat certified copy of this order, if applied for, be made available to the petitioner upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Saugata Bhattacharyya, J.)