

07.04.2021

CRM 627 of 2021

Court No. 28
Item No. 45
snandy

(anti-bail allowed)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 14.01.2021 in connection with Asansol Cyber Crime Police Station Case No. 12 of 2020 dated 12.03.2020 under Sections 419/420/406 of the Indian Penal Code.(G.R. Case No. 769 of 2020)

and

In the matter of: **Mahendra Mondal**

..... Petitioner

Mr. Jayanta Narayan Chatterjee, Advocate

Mr. Debasis Mitra, Advocate

Mr. Nazir Ahmed, Advocate

Ms. Jayashree Patra, Advocate

Ms. Nandini Chatterjee, Advocate

Ms. Ritushree Banerjee, Advocate

Ms. Chandrima Roy, Advocate

.....for the Petitioner

Mr. Saibal Bapuli, Advocate

Mr. Soumik Ganguli, Advocate

..... for the State

Apprehending arrest in connection with Asansol Cyber Crime Police Station Case No. 12 of 2020 dated 12.03.2020 under Sections 419/420/406 of the Indian Penal Code, the petitioner has filed the instant application for Anticipatory Bail.

The instant case has been initiated on the alleged incident of loss of mobile phone and using the SIM Card put therein for the purpose of transferring hefty amount from the account of the complainant. The present petitioner is the shop-owner who is engaged in the business of selling SIM Cards. His name transpires in a statement of a co-accused and no other evidence appears to have been made against him.

After perusing the statement of the co-accused namely Bijay Mondal, we do not feel that custodial interrogation of the petitioner is necessary in this case.

As such, the prayer for anticipatory bail is **allowed**.

Accordingly, we direct that in the event of arrest, 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 each, to the satisfaction of the arresting officer and 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 of the once in week.

However, the petitioner shall remain present on each day when the matter is fixed before the concerned Court. Failure to appear on a solitary occasion without any justifiable cause may disentitle the petitioner from the immunity of Section 438 of Code of Criminal Procedure, extended to him, without any reference to this Court.

The application being **CRM 627 of 2021** accordingly **disposed of.**

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)