

14.07.2021

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**CRM No. 2288 of 2021**

(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection Malda Cyber Police Station FIR No.27 of 2020 dated 12.10.2020 under Sections 417/419/420/467/468/471/120B of the Indian Penal Code.

And

In the matter of: Rakesh Bera

... Petitioner

Mr. Biswajit Nag,  
Mr. Kaushik Chowdhury,  
Mr. Subir Banerjee.

... for the petitioner

Mr. Swapan Banerjee,  
Mr. Suman Dey

...for the State

Mr. Kallol Kr. Basu,  
Md. Jannat Ul Firdous.

...for the de-facto complainant

The Advocate on Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Malda Cyber Police Station FIR No.27 of 2020 dated 12.10.2020 under Sections 417/419/420/467/468/471/120B of the Indian Penal Code.

According to the learned advocate for the petitioner, he has been falsely implicated in connection with the instant case. Till this time, no incriminating materials have been

found against the petitioner which would be evident from the charge sheet, already submitted and the petitioner should be released on bail. A plea has also been taken that there was a monetary transaction, which is irrebuttable to debt, and a notice for dishonoured cheque issued by the petitioner would also corroborate the same.

The state opposes the prayer for bail. It is submitted that the petitioner is a kingpin in running a racket of extortion of the money under the guise of providing employment in the government department.

After hearing the respective counsels, we had a privilege of reading the statement of the complainant recorded under Section 164 of the Code of Criminal Procedure.

After going through the contents, we do not prima facie find the innocence of the petitioner to the alleged offence at this stage.

In view of the same, the prayer for bail of the petitioner is rejected.

The application being, C.R.M.2288 of 2021, is dismissed.

**(Harish Tandon, J.)**

**(Subhasis Dasgupta, J.)**