

13.12.2021

Court No.32
rpan / 04

CRM 6271 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malda Cyber Crime Police Station Case F.I.R. No.27 of 2020 dated 12.10.2020 and charge-sheeted under Sections 417/419/420/467/468/471/120B of the Indian Penal Code, 1860 [G. R. Case No.4511 of 2020];

And

In Re : **Rakesh Bera**

- Petitioner.

Mr. Abhra Mukherjee,
Mr. Sayantan Hazra,
Mr. Sauradeep Dutta
... for the Petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kumar Datta
... for the State.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for more than 400 days and there is also no possibility towards early conclusion of the trial. Upon completion of investigation charge sheet has also been submitted and as such, further detention is not warranted. He further submits that the petitioner has already prepared a demand draft of Rs.1,57,000/- in the name of the *de facto* complainant.

The *de facto* complainant, namely, Payel Kundu is personally present today. The demand draft of Rs.1,57,000/- has been handed over to her and acknowledging the same, she has issued a receipt, which has been handed over to Mr. Mukherjee in court. Let a photocopy of Aadhaar Card of the *de facto* complainant, as signed by her, be kept on record.

The payment through demand draft as made by the petitioner and as received by the *de facto* complainant is without prejudice to their rights and contentions in the criminal case. The *de facto* complainant would be at liberty to encash the demand draft.

Mr. Ghosh, learned advocate appearing for the State submits that there are incriminating materials on record and as such, the petitioner is not entitled to the relief as prayed for.

Heard the learned advocates and considered the materials in the case diary.

Considering the nature of allegations, period of detention and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention is not warranted.

Accordingly, we allow this application and direct that the petitioner, namely, **Rakesh Bera**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Chief Judicial Magistrate, Malda on conditions that he shall not leave the jurisdiction of Bagdogra Police Station, save and except for attending the Trial Court on the dates specified and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.6271 of 2021 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)