

10.11.2021

Item No.5

Ct.No.34

dc.

Rejected

C.R.M. 6777 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Bidhannagar Cyber Crime P.S. Case No. 63 of 2020 dated 01.08.2020 under Sections 419/420/120B of the Indian Penal Code, adding Section 14(4) of Foreigners Act, 2004 and adding Sections 468/471 of the Indian Penal Code (G.R. Case No. 471 of 2020).

And

In Re : **Edwin Ngoesine Anidesh**

... Petitioner.

Mr. Rajdip Ray,
Mr. Manojit Bhattacharya

... For the Petitioner.

Mr. Bivas Chatterjee

... For the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody since 2020 and his wife is seriously ill.

I have perused the application and the contentions made therein also, where the majority part is covered by the medical grounds of the petitioner's wife who is staying at Delhi.

Learned advocate appearing for the State opposes the prayer for bail and submits that out of six witnesses, so cited in the charge-sheet, examination of four witnesses has already been completed and the fifth witness is being

examined, crossexamination of which is being deferred at the instance of the petitioner.

Per contra, learned advocate for the petitioner submits that the trial has started all on a sudden and the petitioner was represented by a lawyer from the Legal Aid and no lawyer was engaged by the petitioner in his personal capacity.

It seems from the submission of the learned advocate for the petitioner that the petitioner is dissatisfied with the manner in which the witnesses have been crossexamined. However, such dissatisfaction cannot be contributed to any delay caused at the instance of the prosecution. It has also been brought to my notice that earlier a coordinate Bench of this Court was pleased to reject the prayer for bail of the petitioner.

Having regard to the advance stage of the trial and the manner in which the trial is proceeding, I am not inclined to release the petitioner on bail at this stage. Accordingly, the prayer for bail of the petitioner is rejected.

CRM 6777 of 2021 is, thus, dismissed.

(Tirthankar Ghosh, J.)