

26.07.2021
Court No.30
rpan /07

C.R.M. 9051 of 2020
(Via Video Conference)

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure;

And

In Re : **Rakesh Bhalotia**

- Petitioner.

Mr. Sanjoy Bose

... for the petitioner.

Mr. Madhusudan Sur,

Mr. Dipankar Paramanick

... for the State.

Mr. Debasish Roy,

Mr. Avik Ghatak,

Mr. Soham De Dhara

... for the *de facto* complainant

Apprehending arrest in connection with Cyber Police Station
Case No.81 dated 10.07.2019 under Sections 72, 66 read with
Section 43 of the Information and Technology Act, 2000 read with
Sections 468, 471 of the Indian Penal Code, the petitioner has
filed the present application.

Mr. Bose, learned advocate appearing for the petitioner
submits that the petitioner was working in the post of Accounts
Manager in M/s. Sanjay Transport Agency (in short, the said
partnership firm). He was terminated from his service on 31st
August, 2018. The allegations levelled against him are unfounded
and he has been falsely implicated. The present case has been
registered on the basis of a complaint lodged by one Yash
Bhalotia. The said complainant is the son of Mayank Bhalotia,

one of the partners of the said partnership firm. Prior thereto, cases were also registered on the basis of the complaints lodged by the other partners of the said partnership firm. In one such case the petitioner obtained anticipatory bail and in the other cases, he is enjoying interim orders. The present matter was heard earlier and the petitioner was granted an interim protection subject to certain conditions and he has duly complied with the said conditions till date. In view thereof, custodial interrogation of the petitioner is not necessary.

Mr. Roy, learned advocate appearing for the *de facto* complainant submits that there are materials on record which clearly indicate the direct involvement of the petitioner in the alleged offence.

Mr. Sur, learned advocate appearing for the State submits that the petitioner herein has cooperated with the investigation and some articles and documents have already been seized. Let the report, as filed today, be kept on record.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and since the petitioner has complied with the conditions as imposed by the earlier order of this Court and is cooperating with the investigation, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Rakesh Bhalotia** shall be released on bail

upon furnishing a bond of ₹10,000/- with two sureties of like amount each, one of whom must be local, 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 a further condition that the petitioner shall meet with the Investigating Officer of the case once in a week on and from 2nd August, 2021 until further orders.

The application for anticipatory bail, being CRM No.9051 of 2020, is, thus, disposed of.

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

(Subhasis Dasgupta, J.)

(Tapabrata Chakraborty, J.)