

11.03.2021

Item No.21

Ct.No.28

dc.

Allowed

C.R.M. 10869 of 2020

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In Re : **Kaushik Gupta**

... Petitioner.

Mr. S. Das Mahapatra,
Mr. Baidurya Ghosal

... For the Petitioner.

Mr. Rudradipta Nandy

... For the State.

Apprehending arrest in connection with Bansdrone P.S. Case No. 60 of 2020 dated 12.06.2020 under Sections 420/120B of the Indian Penal Code read with Section 66D of the Information Technology Act, 2000, the present application has been preferred.

The learned advocate appearing for the petitioner submits that the petitioner has been victimised while recharging his mobile with his registered number and the victim had suffered for which the petitioner has no complicity. The learned advocate further submits that the present petitioner is a student and pursuing his career.

Mr. Nandy, learned advocate appearing for the State opposes the petitioner's prayer for anticipatory bail and

draws the attention of this Court to certain documents wherein beneficiaries have been referred to.

We have perused the case diary, more particularly the documents and statements which have been collected by the investigating agency in course of investigation and we find that the victim has been defrauded to the tune of rupees 1.56 lakh. We have also appreciated the conduct of the present petitioner who has complied with the provision of Section 41A of the Code of Criminal Procedure. Having regard to the fact that the petitioner has cooperated with the investigation and undertakes further to co-operate with the investigation and considering his tender age, we are of the opinion that custodial detention of the petitioner may not be warranted at this stage of the case.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, **Kaushik Gupta** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 further condition that the petitioner shall meet with the Investigating Officer of the case twice a week on and from 18th March, 2021 until further orders.

The application for anticipatory bail, being CRM 10869 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.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)