

29.08.2022.
16.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2578 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhadreswar P.S. Case No.469 of 2021 dated 06.11.2021 under Sections 419/420/406/467/468/471/411/34 of the Indian Penal Code.

In the matter of : Malay Guin.

....Petitioner.

Mr. Ayan Bhattacharya,
Mr. Nirmalya Chatterjee.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.

...for the State.

Petitioner is in custody for 89 days. He submits he is no way connected with the alleged crime.

Report is placed on record wherefrom it appears petitioner was implicated in another case viz., DDH Cyber Crime PS Case No.27 of 2022 dated 26.05.2022 under Sections 419/420/406 of the Indian Penal Code.

We have considered the materials on record. Petitioner and co-accused falsely induced the de-facto complainant to part with money on the false promise of setting up a 5G tower. At the first blush the offence may appear to be one arising out of a commercial transaction. However, report placed before us show involvement of the petitioner in similar offence with regard to another unsuspecting victim.

In view of the aforesaid materials on record including the criminal antecedents of the petitioner, we are of the prima facie

opinion petitioner is a member of a racket which is indulging in an organised criminal activity of defrauding unsuspecting members of the public on the false promise of setting up 5G tower. Investigation has been taken over by CID, West Bengal.

Hence, we are of the opinion further investigation with regard to role of the petitioner and the ramifications of the conspiracy is necessary.

Hence, the prayer for bail of the petitioner is rejected.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)