

26.08.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 4082 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Cyber Crime** Police Station, Malda Case No. **42** of **2021** dated **21.09.2021** under Sections 406/464/468/419/420/120B of the Indian Penal Code, 1860.

And

In Re : Biswadeep Mandal

..... petitioner

Mr. Parashar Baidya

Mr. Rajib Acharya

....for the petitioner

Mr. T. D. Nandy

Mr. Antarikhya Basu

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that, the petitioner is a part of the racket, which extracts money from the public on the false promise of installation of 5G towers. He refers to an order passed by the Coordinate Bench on August 18, 2022 passed in CRM(DB) 2776 of 2022.

Apparently, there are materials implicating the petitioner in the offences alleged. Apparently, the petitioner is a part of the racket where, the unaccepted members are made to part with money on the false promise of installation of 5G towers. Need for custodial interrogation of the petitioner cannot be overlooked in view of the observations made by the Coordinate Bench.

Moreover, in view of the observations made by the Coordinate Bench in CRM (DB) 2776 of 2022, it would be appropriate, in the interest of justice, that the investigations be transferred to the Criminal Investigation Department, West Bengal. Additional Director General of Police, Criminal Investigation Department is directed to assign the case to the competent authority for further investigation.

In such circumstances, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 4082 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

