

14.01.2022
Item no. 22
Court No.32
Avijit Mitra

C.R.M.8441 of 2021 (Through Video Conference)

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

And

In Re : Bikash Nonia

.... petitioner

Mr. Soumya Banerjee

....for the petitioner

Mr. Rudradipta Nady

..... for the State

Apprehending arrest in connection with Asansol Cyber Crime Police Station Case No.02 of 2020 dated 11.01.2020 under Sections 419/420/120B/34 of the Indian Penal Code and added Sections 379/411 of the Indian Penal Code, the present application has been preferred.

Mr. Banerjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. His name does not feature in the FIR and has transpired on the basis of the statement of a co-accused person. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation is not necessary.

Mr. Nandy, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner's culpability is similar to the other co-accused persons who have obtained bail. The petitioner's involvement in the racket cannot

be totally ruled out. Several attempts were made to apprehend the petitioner but in vain and warrant of arrest was also issued.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, the involvement of the petitioner in the alleged offence cannot be totally ruled out. Considering the nature of accusations, the conduct of the petitioner and the manner in which the offence has taken place, we are not inclined to exercise any discretion in his favour and as such, his prayer for anticipatory bail is refused.

Accordingly, the application for anticipatory bail being C.R.M. No.8441 of 2021 is dismissed.

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

(Md. Nizamuddin, J.)

(Tapabrata Chakraborty, J.)