

17.10.2022
Court No.28
D/L 5
ab/ sb

CRM(DB) 3575 OF 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Bidhannagar Cyber Crime Police Station Case No. 98 of 2022 dated 23.06.2000 under Sections 415/416/418/419/420/467/468/569/471/120B of the Indian Penal Code read with Sections 43/66C/66D of the Information Technology Act.

And

In the matter of: **Gourav Jain & Ors.**

.Petitioners.

Mr. Kishore Dutta,
Mr. Rajdeep Mazumder
Mr. Mayukh Mukherjee,
Mr. Pritam Roy,
Ms. Shyanti Poddar,

... For the Petitioners

Mr. Rudradipta Nandy,
Mr. A. S. Chatterhee

... For the State

Mr. Shaishav Manu

... for the de-facto complainant

The four petitioners before us are the Directors, the training and recruitment person and the technical support person respectively of an entity, which claims to be a Call Centre.

The allegations against the petitioners show that the petitioners duped 171 victims in the U.K., Ireland and Germany among other countries by posing as personnel from Microsoft and persuading the

victims to part with sums of money for upgradation and maintenance of their computer systems. The statements of the victims are on record and the nature of allegations makes it clear that the offence is not an economic offence simpliciter but is a cyber offence.

Although, learned counsel appearing for the petitioners relies on *Satender Kumar Antil Vs. Central Bureau of Investigation and Another*; 2022 SCC Online SC 825, for the liberal view taken by the Supreme Court in relation to bail in connection with economic offence, we are of the view that the present matter involves much more than merely offences of economic nature. The proportion of wrongdoing of the petitioners stretches to countries beyond India. The total amount involved in the present case is about Rs. 4.5 crores. For some curious reason, the petitioners did not target Indians.

We take note of the fact that the petitioners have been in custody for 115 days and the charge sheet has already been submitted. We also take note of the facts that the charges are still to be framed. The difficulties of taking evidence of persons in countries across Europe notwithstanding, the State must ensure that the charges are framed as soon as possible and preferably within three months from today. There shall not be any unnecessary delay in completing the investigation.

CRM (DB) 3575 of 2022 is accordingly dismissed at this stage for the reasons as stated above.

(Saugata Bhattacharyya, J.)

(Moushumi Bhattacharya, J.)

