

06.02.2023.
48.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 521 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhawanipore P.S. Case No.294 of 2022 dated 12.12.2022 under Sections 120B/170/419/420 of the Indian Penal Code.

In the matter of : Mustafa Fakruddin Dak.

... Petitioner.

Mr. Gunjan Sinha,
Mr. Kaushik Sinha.

...for the Petitioner.

Mr. Rudradipta Nandy, Id. A.P.P.,
Mrs. Sonali Das.

...for the State.

Petitioner is in custody for 50 days. He submits he was not identified as one of the persons who allegedly conducted illegal raid at the house of the de-facto complainant. He further submits no stolen property was recovered from his possession. He contends he has been falsely implicated and prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner is one of the master minds of the crime. He entered into conspiracy with co-accuseds and organised a fake raid in the house of the de-facto complainant. Large volume of cash and gold ornaments were stolen under the ruse of making seizure. One of the gold ornaments have been recovered from the petitioner.

We have considered the materials on record. Profile of the case shows a sensational and daring act of dacoity under the ruse of a CBI raid. One of the co-accused is a police officer attached to Kolkata Police. He along with one Rakesh Mondal

(who impersonated as CBI Officer) organised a fake CBI raid at the house of the de-facto complainant. CCTV footage at a local bar and other spots show meeting of minds between the petitioner and the aforesaid accused prior to the incident. They were on joint conference call at the time when the incident occurred. During the fake raid, large volume of cash and gold ornaments were taken away from the house of the de-facto complainant. One of the gold ornaments was recovered from the petitioner. Though it is contended it has not been identified, we are of the opinion such issue may be looked into during trial.

Keeping in mind the aforesaid materials on record disclosing a serious offence and prima facie involvement of the petitioner therein, we are not inclined to grant bail to the petitioner at this stage.

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

We emphasize that these observations were for disposal of the case and will not have any bearing at the subsequent stage of the proceeding which shall be decided independently and in accordance with law.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)

