

10.08.2023

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sdas
rejected

C.R.M.(DB) No. 1399 of 2023

In Re : Prabhakar Mondal petitioner

Department is directed to re-number the case as a criminal appeal forthwith.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

Later

CRA(DB) No. 250 of 2023

In Re : Prabhakar Mondal appellant

Mr. Arani Bhattacharya

Ms. Bindia Paul

....for the appellant

Mr. Bhaskar Prosad Banerjee

Mr. D. Tandon

Mr. Parashar Baidya

..... for the NIA

Subject to re-numbering of the case following order is passed :

Learned Counsel for the appellant submits he is in custody. Mobile phone purportedly seized from his possession does not stand in his name. Allegation of holding out threat or extortion calls from the correctional home is out and out false.

Learned trial Judge failed to consider these relevant aspects and turned down the bail prayer. Hence, the present appeal.

Learned Counsel for the NIA opposes the bail prayer and submits appellant was carrying on an extortion racket from the correctional home. Statement of protected witness shows he received ransom calls from the appellant. In the course of routine raid mobile phones, SIM Cards were recovered from the appellant. Materials collected during investigation show appellant had contacted with the co-accused who were assigned to prepare bombs to threaten the victims who had received ransom calls.

We have considered the materials on record. Investigation reveals an organized crime activity from inside the correctional home. Statement of protected witness shows he received ransom calls from the appellant. His statement is corroborated by recovery of mobile phones and SIM Cards from the appellant. Forensic analysis of the electronic gadgets and CDRs corroborate the prosecution case. It also establishes involvement of the appellant in manufacturing bombs to aid his extortion racket. Appellant had contacted co-accused Sirdhartha Mondal in the correctional home and the latter instructed co-accused to prepare bombs. They were injured in the process. These activities prima facie establish involvement of the appellant as a prime player in the extortion racket. Under such circumstances, in view of gravity of the offence, materials collected during investigation and the possibility of

appellant continuing similar criminal activities, if on bail, do not persuade us to enlarge him on bail.

Accordingly appeal is dismissed.

Report filed on behalf of NIA is placed on record.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)