

02.05.2023
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allowed

CRM(DB) No. 1770 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bolpur Police Station Case No. 346 dated 18.09.2021 under Sections 406/420/413/419 of the Indian Penal Code read with Sections 66/66C/66D/71 of the Information Technology Act.

And

In Re : Anurag Dey petitioner

Mr. Shovan Ghosh

Mrs. Chirantani Ghosh

....for the petitioner

Mr. Rudradipta Nandy, learned APP

Ms. Sonali Das

.... for the State

Learned Counsel for the petitioner submits he is in custody for 449 days. It is also submitted there is little possibility of trial concluding in the near future. Co-accused is on bail. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner is the team leader who recruited callers to induce innocent people to invest money in the fraudulent schemes.

We have considered the materials on record. Though the petitioner played an important role in the organized crime racket he has suffered incarceration for more than a year, most of the offences are triable by the learned Magistrate and there is little possibility of concluding trial in the near future. Co-accused is on bail. Under such circumstances, we are inclined to extend the same privilege to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Bolpur, Birbhum, on further condition that while on bail petitioner shall remain within the jurisdiction of Maheshtala Police Station except for the purposes of investigation and /or attending court proceeding and shall meet the officer-in-charge of concerned Police Station within whose jurisdiction he shall presently reside once in a week until further orders. Petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)