

16.05.2023.
39.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1936 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murshidabad Cybercrime P.S. Case No.06 of 2022 dated 23.03.2022 under Sections 419/420/406/120(B) of the Indian Penal Code and adding Sections 466/467/468 of the Indian Penal Code and Sections 66C/66D of the Information Technology Act.

In the matter of : Jainal Abedin.

.... Petitioner.

Md. Sabir Ahmed,
Ms. Suman Biswas.

...for the Petitioner.

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

...for the State.

Petitioner is in custody for 124 days. He submits mobile phone number and the E-mail used for net banking belongs to the de-facto complainant. He has been falsely implicated. A civil suit is pending between the parties. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner had fraudulently altered the mobile phone number in the bank account and transferred funds in favour of his wife which was routed into his personal account.

We have considered the materials on record. Attending circumstances showing money trail into account of the wife of the petitioner and thereafter to his personal account *prima facie* disclose his involvement in the alleged fraud. However, investigation so far as the petitioner is concerned is complete.

Further investigation, if any, relates to verification of documents and would not require his custody.

Hence, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Jainal Abedin shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Murshidabad at Berhampore subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)