

04.07.2023
D/L 40
Ct. No.28
allowed
(SKB)

CRM (DB) 2354 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Kenda Police Station Case No. 17 dated 17.02.2022 under Sections 419/420/406/468/471/467/413/120B/34 of the Indian Penal Code

And

In the matter of : Sandip Das and others

... Petitioners

Mr. Joydeep Biswas,
Mr. Kaushik Ghosh

... for the petitioners

Mr. Rudradipta Nandy, APP,
Mr. Ranadeb Sengupta

... for the State

Petitioners are in custody for 336 days. It is contended company was incorporated in 2018 but the prosecution alleges criminal activity from 2013. Prosecution proposes to examine over 78 witnesses. Most of the offences are triable by Magistrate. There is no chance of abscondence. They are on bail in other cases registered against them. They pray for bail.

Learned lawyer for the State opposes the bail prayer. He submits petitioners are the principal conspirators who in collusion with others indulged in an organized crime activity to defraud innumerable individuals on the false promise of setting up 5G towers or selling insurance policies. Number of criminal cases have been registered against them and others.

Investigation was taken over by Criminal Investigation Department (CID) which unraveled the ramifications of the crime. Trial is in progress. Vulnerable witnesses are yet to be examined.

We have considered the materials on record. Statements of witnesses prima facie show petitioners had indulged in organized crime activity to defraud unsuspecting individuals on the false promise of setting up 5G towers or selling insurance policies. Investigation was handed over to Criminal Investigation Department (CID) and charge sheet came to be filed against the petitioners. During further investigation, petitioners were released on bail in CRM (DB) 3601 of 2022. The order was set aside by the Hon'ble Supreme Court in SLP (Crl) no. 10029/2022. Thereafter charges have been framed and only one witness has been examined. Petitioners are in custody for more than an year. Prosecution proposes to examine a large number of witnesses and there is no possibility of trial concluding within a reasonable time. Though petitioners are involved in series of cases involving similar allegations, they are on bail in other cases. Most of the offences are triable by Magistrate and none of them attract mandatory life imprisonment. There is no possibility of abscondence.

In view of the aforesaid, we are of the opinion further detention of the petitioners would not be justified but any

propensity to reoffending requires to be restricted through appropriate conditions.

Accordingly, the petitioners 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 CJM Purulia on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioners while on bail shall not leave the jurisdiction of their respective police station where they reside except for the purpose of attending court proceedings and shall report to the Special Superintendent, HO, CID, Bhawani Bhawan once in a fortnight until further orders.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM (DB) 2354 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)