

29.08.2023
D/L 33
Ct. No.29
(Partly allowed)
(SKB)

CRM (A) 3412 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Calcutta Cyber P. S. Case No.62 of 2022 dated 14.05.2022 under Sections 66/66C/66D/84B read with Section 43 of the Information Technology Act, 20000 read with Sections 120B/419/420/465/467/468/471 of the Indian Penal Code.

And

In the matter of : Sarfaraz Alam and another
... Petitioners

Mr. Sabir Ahmed,
Ms. Suman Biswas
... for the petitioners

Mr. Rudradipta Nandy, Id. APP
Mr. Ranadeb Sengupta
... for the State

1. Heard learned Counsel for the parties.
2. From the CD it is found that the present petitioner no.1, Sarfaraz Alam is the owner of the Call Centre and the petitioner no.2, Mrs. Shreya De @ Shirin who is the wife of the present petitioner no.1, is H.R. Manager of the Call Centre. The Call Centre is alleged to have duped about 57 persons by calling them with promise for installation of 4G and 5G mobile tower of Bharti Airtel on deposit of substantial amount of money.
3. The petitioners are alleged to be involved in cyber fraud in the entire transaction. Charge-sheet has already been filed.

4. Regard being had to the nature of allegation, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner no.1, Sarfaraz Alam though charge-sheet has been filed in view of the nature of allegation as enlargement of petitioner no.1 on anticipatory bail shall embolden him to again misuse his undeserved liberty as the owner of the call centre, though it is submitted by learned counsel for the petitioner that the petitioner no.1 is having TIN number of GST, income-tax return etc.
5. So far as the petitioner no.2 is concerned, she being a lady, we do not want that she be taken into custody for the purpose of interrogation.
6. The prayer for anticipatory bail in respect of petitioner no.1, Sarfaraz Alam, is rejected. Such prayer in respect of petitioner no.2, Mrs. Shreya De @ Shirin, is allowed.
7. The petitioner no.2 is directed to appear before the City Sessions Court cum Special Court in the case arising out of the aforesaid P.S. case within 15 days from today. On her appearance and application for bail, she shall be released on bail on such terms and conditions as deemed just and proper including the conditions that
 - i) She shall appear before the trial court on each date of substantive hearing subject to provision of Section 317 Cr.P.C.

- ii) She shall not leave the jurisdiction of the learned trial court for a period of 15 days at a time without obtaining prior permission from the said court.
8. The application being CRM(A) 3412 of 2023 is allowed in part.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)