

08.09.2023
Sl. No.16
akd
[ALLOWED]

C. R. M. (DB) 3246 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.08.2023 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: ***Abhishek Das @ Abhishak Das***

... .. Petitioner

Mr. Navanil De
Mr. Rajeshwar Chakraborty
Mr. Srinjan Ghosh
Mr. Subhrajit Dey
Ms. Monami Mukherjee

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mr. Swapan Banerjee
Mr. A. S. Chatterjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 581 days. It is further submitted there is little possibility of trial concluding in the near future. Co-accused have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits trial is in progress.
3. We have considered the materials on record. Petitioner is an organised cyber fraud to cheat individuals on the false promise of setting up 5G towers. Though allegations are grave, it is noted he has suffered incarceration for a protracted period of time. Co-accused have been enlarged on bail. Only one witness has been examined till date. There is little possibility of trial concluding in the near future. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

4. Therefore, the accused/petitioner, namely **Abhishek Das @ Abhishak Das**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 subject to condition that the said petitioner 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Dantan Police Station except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Dantan Police Station once in a week until further orders.
5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)