

30.08.2023
tkm/ct 28
sl no. 36

C.R.M. (DB) 3392 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bidhannagar Cyber Crime PS Case No. 98 of 2022 dated 23.6.2022 under sections 419/420/467/468/469/471/120B/34 IPC and sections 66C/6D of the IT Act

and

In Re : Apu Kumar Shaw petitioner

Mr. Anjan Duta
Mr Pawan Kr. Gupta
Ms. S Nesar
Mr. S Pathak
Mr. S Sett

..... for the petitioner

Mr. Sudip Ghosh
Mr. Kaushik Kundu

..... for the State

1. Petitioner is in custody for 379 days. It is submitted there is no progress in the matter. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer. He submits trial has commenced. At that stage petitioner approached the Hon'ble Apex Court on the ground that all documents had not been supplied to him. Consequently, proceedings have been stayed.
3. We have considered the materials on record. Co-accused had personated themselves as representatives of a well-known IT company. Petitioner is a conspirator and had supplied valuable information to the said co-accused to perpetrate the crime of identity fraud. He received wrongful gain for his illegal activities. Trial has already been commenced but has been stayed at the behest of the petitioner. Petitioner may indulge in similar fraud while on bail.
4. Under such circumstances, we are not inclined to grant bail to him.
5. Accordingly, the prayer for bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)