

13.10.2023
14 & 15
sdas
allowed

CRR 3694 of 2023
in
C.R.M. (DB) 3596 of 2023

In Re : In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baduria Police Station Case No. 188 of 2023 dated 10.04.2023 under Sections 120B/419/420/467/468/471/474 of the Indian Penal Code and under Sections 14A(b)/14C of the Foreigners Act and under Sections 3/6 of the Indian Wireless Telegraphy Act and Sections 4/20/25 of the Indian Telegraph Act.

In Re : Bhola Nath Sarkar @ Bholanath Sarkar petitioner

Mr. Satadru Lahiri
Mr. Safdar Azam

.... for the petitioner in
C.R.M. (DB) 3596 of 2023

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

.... for the State

Mr. Kallol Kumar Basu
Md. Jannat Ul Firdous

.... for the opposite party
(Safik Biswas)

Ms. Shabana Hasin
Mr. Prantick Ghosh

.... for the opposite party
(Samir Mondal)

Md. Shahjahan Hossain
Ms. Sanjida Sultana

.... for the opposite party
(Nakul Das)

In Re : CRR 3694 of 2023

1. Heard learned Counsels for the respondents/accused.

Respondent/ Safik Biswas files affidavit in response to the Rule.

They submit investigation is complete and the alleged incriminating articles have already been seized. They had been

in custody for a considerable period of time. Hence, order granting bail may not be interfered with.

2. Learned Counsel for the State submits petitioner and co-accused had entered into a criminal conspiracy for routing international calls (VoIP calls) through VoIP-GSM Gateway and thereby causing wrongful loss of the Department of Telecommunication.

3. We have considered the materials on record. A number of simboxes were recovered from the joint possession of the respondents/accused. Investigation is complete. Learned Magistrate noted investigating agency did not record statements of officers of the Department of Telecommunication and quantum of loss is also reflected in the charge-sheet. Offences are triable Magistrate. Taking into consideration these issues bail was granted.

4. In the light of the aforesaid facts we are of the opinion suo motu Rule may be discharged.

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5. Heard the learned Counsels for the parties.

6. We have considered the materials on record. Petitioner stands on the same footing with the co-accused who are on bail. Investigation is complete. Accordingly, petitioner may be enlarged on bail.

7. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate

Basirhat, 24-Parganas (North) subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

8. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

9. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)