

22.09.2023
Sl. No.38
akd
[Rejected]

C. R. M. (DB) 3685 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.09.2023 in connection with Uttarpara Police Station Case No.287 of 2017 dated 01.04.2017 under Sections 418/420/409/120B/467/468/471 of the Indian Penal Code. (G.R. Case No.821 of 2017)

And

In Re: ***Gulzar Ahmed @ Md. Gulzar***

... .. Petitioner

Mr. Avik Ghatak
Ms. Afreen Begum

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Koushik Kundu

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 183 days. It is further submitted petitioner has been falsely implicated in the instant case. A sum of Rs.60 lakhs was credited in an account which purportedly stood in his name at Chandausi in the State of Uttar Pradesh. Fake e-mail sent to the West Bengal State Cooperative Bank is not traceable to him. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner is involved in a cyber fraud which caused wrongful loss to the tune of Rs.60 lakhs. A fake e-mail was generated purportedly in the name of a cooperative bank which maintained account with the West Bengal State Cooperative Bank. On the strength of the fake e-mail money was transferred to the account of the petitioner. Handwriting expert confirmed the account opening form is in the handwriting of the petitioner. It is also contended petitioner had absconded and could be traced out after five years.

3. We have considered the materials on record. Offence involves cyber fraud which caused wrongful loss of over Rs.60 lakhs from the West Bengal State Cooperative Bank. Stolen money was credited in the account of the petitioner and there are prima facie materials to show he is involved in the fraud. He had absconded for more than five years. Offence has transborder implications as accused took technical assistance of a foreigner who is untraceable. Hence, it may not be advisable to release the petitioner on bail at present.
4. The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)