

28.11.2023

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Allowed

C.R.M. (DB) No. 3889 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kanksa Police Station Case No. 46 of 2022 dated 10.02.2022 under Sections 420/406/467/468/471/120B of the Indian Penal Code adding Section 413 of the Indian Penal Code.

And

In Re : Abhishek Das @ Avisekh Das @ Abhishak Das @ Abishek Das @ Avishek Das petitioner

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

.....for the petitioner

Mr. Rudradipta Nandy, learned APP
Mr. Iqbal Kabir

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for more than a year. It is also submitted co-accused are on bail. There is little possibility of trial concluding in the near future. He prays for bail.

2. Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner is one of the principal conspirators in committing cyber crime causing wrongful loss to a number of innocent victims.

3. We have considered the materials on record. Allegations against the petitioner are serious but he is in custody for more than a year and there is little possibility of trial concluding in the near future.

4. 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, Durgapur, subject to condition that the 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 and on further conditions that while on bail petitioner shall remain with the jurisdiction of Dantan Police Station until further orders except for attending court proceedings.

5. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)