

19.04.2024
Sl. No.33
akd
[ALLOWED]

C. R. M. (DB) 1216 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.04.2024 in connection with Chinsurah Police Station Case No.388 of 2022 dated 01.08.2022 under Sections 419/420/306/465/468/471/384/120B of the Indian Penal Code and Sections 66D/66E/67/67A of the I.T. Act, 2008.

And

In Re: **Sumit Divakar**

... .. Petitioner

Mr. Sandip Chakraborty
Mr. Arun Kumar Upaddhay
Mr. Rajeev Singh
Mr. Kaustav Das
Ms. Reshmi Singh

... .. for the petitioner

Mr. Sabir Ahmed
Mr. Soumya Basu Roy Chowdhury
Mr. Kunal Ganguli
Mr. Somnath Adhikari
Mr. Bani Dorail
Mr. Simanta Kabir
Mr. Avik Pramanick

... .. for the de-facto complainant

Mr. Debasish Roy .. Id. Public Prosecutor
Mr. Anand Kesari
Mr. Ratul Ghosh

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about four months. It is further submitted petitioner had no role to play in the alleged blackmail or abetment to suicide. He had been contacted by a family friend viz. Dipak Agarwal and informed that a sum of ₹2,00,000/- would be credited in his account for business purposes. Subsequently the amount was withdrawn. Accordingly, he prays for bail.
2. Learned Public Prosecutor opposes the prayer for bail and submits petitioner is a conspirator in a cyber blackmail racket. The victim

who was in his early sixties was blackmailed through a morphed video. He received phone call purportedly in the name of one Arun Saxena claiming to be an IPS officer threatening that he would be implicated in a cyber crime case if he did not pay. Under compulsion victim paid on repeated occasions. A portion of the money has been recovered from the account of the petitioner. Unable to bear the pressure, victim committed suicide. Trial has commenced.

3. Learned Advocate for the de-facto complainant submits investigation was conducted pursuant to the direction given by a learned single Judge of this court in WPA 19551 of 2023. Investigation reveals a deep rooted conspiracy to blackmail the victim. As a result, he committed suicide. There are ample materials implicating the petitioner in the crime.
4. In rebuttal, learned Advocate for the petitioner contends investigation has revealed money being transferred to the accounts of a number of persons but they were not arrayed as accused.
5. We have considered the materials on record. Profile of the case discloses cyber blackmail. Victim had received a phone call from one Arun Saxena claiming to be an IPS officer. He showed a morphed video of the victim and threatened that he would be implicated in a cyber crime case if he did not pay. As a result of extortion victim transferred money to an account which does not belong to the petitioner. Investigation does not show that the mobile phone of the petitioner or the SIM cards standing in his name were utilised to make the extortion call. The material implicating the petitioner in the crime is to the effect that some portion of the money i.e. ₹2,00,000/- was siphoned through his account. Similar accounts had been utilised but the account holders had not been made

accused. Other co-accused who were used to purchase the SIM cards to commit the crime are on bail.

6. Under such circumstances and in view of the extent of complicity of the petitioner in the crime, 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.
7. Therefore, the accused/petitioner, namely **Sumit Divakar**, 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, Chinsurah, Hooghly 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 remain within the district of Hooghly and shall provide the address where he shall presently reside as well as his mobile number to the Investigating Agency as well as the court below and shall report to the Officer-in-charge, Chinsurah Police Station once in a week until further orders.
8. 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.
9. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

