06.02.2024
Serial no. 33 & 34
Anticipatory bail
[Rejected]
Dd

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Asansol Cyber Crime** Police Station Case No. **55** of **2021** dated **17.11.2021** under Sections **419/420/406/120B** of the* Indian Penal *Code, 1860.*
(G.R. Case No. 3529/2021)

<u>CRM (A) 5157 of 2023</u>

In the matter of **: Milind Singh Yadav**
… …**Petitioner**

<u>CRM (A) 4181 of 2023</u>

-And-

In the matter of **: Ashutosh Tiwari**
… …Petitioner

Mr. Saswata Gopal Mukherjee,
Mr. Debapriya Samanta, Advocates
… … For the Petitioner in CRM (A) 5157 of 2023

Mr. Rabiul Islam,
Mr. Raju Mondal,
Mr. Subham Kanti Bhakat, Advocates
… …For the petitioner in CRM (A) 4181 of 2023

Ms. Z. N. Khan,
Mr. Arindam Sen, Advocates
… …For the State in CRM (A) 5157 of 2023

Mr. Rudradipta Nandy, APP
Ms. Sonali Das, Advocates
… …For the State in CRM (A) 4181 of 2023

Two applications for anticipatory bail are taken up for analogous consideration as they emanate out of the same police case.

Learned advocates appearing for both the petitioners submit that, their clients were falsely implicated. Credentials of their clients were misutilized fraudulently for the purpose of creating a legal entity. None of the petitioners are beneficiaries of the alleged fraud. Petitioner being Milind Singh Yadav filed an application under Section 156(3) of the Criminal Procedure Code much prior in point of time and that there is a report by the police in such proceeding.

Petitioner being Ashutosh Tiwari was enlarged on bail in two cases of fraud of similar nature.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that the de facto complainant contacted a person claimed to be from Singapore whereupon, the de facto complainant invested in the gold market. Initially, the de facto complainant received a return. Thereafter, the de facto complainant was informed that he made huge profit from the investments made and that in order to acquire such profits the account was required to be unlocked. In order to unlock such account, various amounts were demanded. De facto complainant initially complied with such requisitions for payment and, thereafter, filed the present police complaint. He submits that the two petitioners before Court are Directors of the legal entity who ultimately stood benefited out of the fraud committed.

Apparently, the police case revolves around cyber crime. Materials in the case diary suggest that both the petitioners are involved with a legal entity who participated in the cyber crime. The legal entity is a beneficiary of money belonging to the de facto complainant. Petitioners before us are signatories of the bank account and directors of such legal entity.

There are two police complaints as against Ashutosh Tiwari where, apparently, he obtained bail. Milind Singh Yadav, apparently, approached the Court with regard to his claim of misutilisation of his credential.

Role of both the petitioners in the present police case requires investigations.

Enlarging the petitioners on anticipatory bail will be inimical to such investigations.

In such circumstances, we are unable to grant anticipatory bail to both the petitioners.

Prayer for anticipatory bail of both the petitioners is **rejected**.

CRM (A) 5157 of 2023 and CRM (A) 4181 of 2023 are **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)