

JPD-216
Ct No.01
02.08.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (A) 495 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Siliguri Cyber Crime Police Station Case No. 25 of 2024 dated 20.02.2024 under Sections 419/420/120B IPC, 1860.

And

In the matter of: **Sri Nandlal Yadav**

.... Petitioner

Mr. Pritam Roy

... for the petitioner

Mr. Saikat Chatterjee
Mr. Chattu Roy

... for the State

1. Learned counsel for the petitioner argues that the petitioner was not directly involved in the alleged offence.
2. Being apprehensive after being issued a notice under Section 41A of the Criminal Procedure Code, the present application has been filed.
3. The plinth of the allegation by a medical practitioner, who is the complainant, is that the said practitioner invested huge amount

to the tune of Rs.30/40 Lakh through a software application by the name of 'BAINLIT' for investment purpose.

4. However, subsequently the complainant was defrauded of the entire amount, leading to the complaint.
5. Learned counsel for the petitioner argues that the petitioner's registered mobile number, through which he operates, had been changed in the name of some other person prior to the commission of the offence and as such there is no direct involvement of the petitioner.
6. Further, the concerned software application is within the realm of the 'Darknet'.
7. Learned counsel for the state opposes the prayer for anticipatory bail and submits the contents of the Memo of Evidence and other related documents in the case diary go on to indicate that the investigation has revealed that at least a part of the money invested by the complainant was canalized to one 'M/s. Sharadha Communication'.
8. The petitioner, it is contended, is the proprietor of the said entity.
9. Thus, the direct involvement the petitioner in the fraud of cannot be ruled out.
10. Upon looking into the case diary, we are of opinion that in view of the materials recovered in investigation, we are not inclined to grant the benefit of anticipatory bail to the petitioner at this stage.

- 11.** Accordingly, CRM (A) 495 of 2024 is dismissed, with liberty to the petitioner to surrender before the jurisdictional court and pray for regular bail.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)