

AD 13
May 19, 2025
Ct. 28
SG

Reject

CRM(A) 1180 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Barasat Cyber Police Station Case No.03/2025 dated 20.01.2025 under Sections 319(2)/318(4)/316(2) of the BNS, 2023.

And

In the matter of:

Dr. Asit Kumar Ghosh

... petitioner

Mr. Angshuman Chakraborty
Mr. S.S. Saha

... for the petitioner.

Mr. Ranadeb Sengupta
Mr. S. Kundu

... for the State

Liberty is granted to amend the cause-title.

Learned counsel for the petitioner submits that the petitioner is a businessman. While in transit he lost his mobile phone on 03.01.2025. He reported it to the police on 09.01.2025. The alleged fraudulent transactions took place on 03.01.2025. The SIM was used after the phone was lost.

Learned counsel for the State relies on the case diary and submits that the petitioner and the co-accused had jointly opened the bank account in question, which was used for fraudulent transactions. As per the co-accused, who was arrested, they allowed to use the account on payment of 20% of the money that was defrauded. There were transactions on 01.01.2025 and even in December, 2024. CDR analysis of the mobile phone would show that the same mobile phone was

used before the mobile was allegedly lost and even thereafter to have conversations between the same sets of persons. OTPs were sent regularly by using such SIM for such period. Investigation is going on. Investigation has already been taken over by the CID, as directed by this Court.

In view of the incriminating materials available in the case diary and the fact that investigation is going on, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail is, thus, rejected.

(Jay Sengupta, J.)