

19.05.2025
SL.22
Ct.No.28
NB

CRM (A) 1403 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Cyber P.S. Case No.68 of 2023 dated 14.07.2023 under Sections 419/420/465/467/468/471/120B of the Indian Penal Code and under Sections 66C/66D of the Information Technology Act, 2000 pending before the learned Chief Judicial Magistrate, Calcutta.

And

In the matter of : Puja Kumari ... petitioner

Mr. Satadru Lahiri,
Mr. Safdar Azam,
Mr. Jyotirmoy Talukder.
...for the petitioner.

Mr. Madhusudan Sur Id.APP.,
Mr. S. Balial.
...for the State.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was herself a victim of fraud. She was made to part with her bank account details in the name of installation of a mobile tower. These bank account details were misused by the prime accused Sanjay Yadav for cheating another person and laundering money.

Learned counsel appearing on behalf of the State relies on the case diary and the report and opposes the prayer for anticipatory bail. He submits that there is a clear money trail available. The money was first sent to the bank of the petitioner and then transferred to the account of the main accused. Unless the details of the bank account are given including the possible OTP in question, money cannot be

taken out of a bank account. There is a big conspiracy, which is being investigated into. The petitioner did not comply with the notice issued under Section 41A of the Code earlier. However, after direction passed by this Court, she complied with the notice.

Report filed by the Investigating Officer, inter alia, states as follows.

“During the course of investigation, it transpired that the petitioner is merely illiterate individual with no technical knowledge or direct involvement in the commission of the alleged offence.”

In view of the alleged role ascribed to the present petitioner, the materials available in the case diary and the fact that the petitioner has complied with the notice issued by the Investigating Agency, I do not think that custodial interrogation of the petitioner is required in this case

Accordingly, in the event of arrest, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition not to threaten or intimidate witnesses and to cooperate with the investigation.

The application for anticipatory bail being **CRM(A) 1403 of 2025** is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)