

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 545 of 2025

In Re:- An application for under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with G.R. Case No. 275 of 2025 corresponding to Eco-Park Police Station Case No. 19/25 dated 23.01.2025 under Sections 66C/66D of the Information Technology (Amendment) Act, 2008 and under Sections 318(4)/319(2)/336(3)/336(4)/338/340(2)/61(2)/111 of the Bharatiya Nyaya Sanhita, 2023.

And

**In Re : Chintan Kumar Dharmendra Soni @
Chintan Kumar Dharmendra Kumar Soni @
Soni Chintan Kumar DharmendraKumar**

.....Petitioner

**Mr. Satadru Lahiri
Md. Mossaraf Hossain
Ms. Poulami Dey**

.....for the Petitioner

**Ms. Sukanya Bhattacharya
Mr. Tirupati Mukherjee**

.....for the State

It is submitted on behalf of the petitioner that the husband falsely implicated in this case on the basis of statement of co-accused and believing as a gospel truth, from Netaji Subhash Chandra Bose International Airport, Kolkata. He is in custody for last 57 days and excepting his mobile phone and the passport nothing has been seized. During this entire period of investigation no such progress has been made in the process of investigation which can be said to be against the present petitioner, who is absolutely a law abiding citizen.

It is further submitted that there was no compliance of the mandatory provision of Section 41A of Cr.P.C./35 BNSS and accordingly, he has filed a writ petition being WPA 10073 of 2025 before this Hon'ble Court which is yet to be adjudicated.

However, Hon'ble Justice Tirthankar Ghosh vide order dated 21st May, 2025 was pleased to observe that *“pendency of the writ petition will not preclude the petitioner from approaching the regular court so far as the statutory reliefs and/or remedy available under the BNSS, 2023 is concerned”*.

Accordingly, petitioner has filed the instant application with a prayer to enlarge him on bail.

It is further submitted that he was also arrested in connection with another case being Baguihati PS Case No. 596/24 dated 4th October, 2024 for commission of the offences punishable under Section 318(4)/316(2)/336(2)/338/340(2)/111(4)/111(6) of BNSS, 2023 and in that case also petitioner was not the FIR named accused, but on the basis of the co-accused person, he was falsely implicated. However, he has been released on bail.

The learned prosecution raises the strong objection and submits that this is a criminal conspiracy hatched by the accused person and cheated the victims located in the United States of America on false pretext that the victim's computer system has been inflicted with malwares by the hackers and claimed to seize them through micro SIP software system.

In course of investigation, the name of the present petitioner has come out and despite a raid being conducted, he was not found available and was finally arrested on the basis of a look out notice issued against him from the Netaji Subhash Chandra Bose International Airport. There is an every possibility that in order to evade the process of law, he will abscond.

It is further submitted that investigation is in progress and for the sake of investigation, custodial interrogation of the present petitioner is necessary.

Heard the submissions of both the learned advocates.

On perusal of the materials on record, *prima facie* it appears that the complaint was lodged on behalf of the Cyber Crime in West Bengal on 26th May, 2025 on the basis of which the above police case dated 23rd January, 2025 was started under the abovementioned Sections.

The complaint has got serious implications and relating to illegal call centre operating from the premises at New Town under the leadership of the FIR named accused persons, in course of investigation, further names were revealed and subsequently they were arrested along with the present petitioner.

It is further submitted that the Federal Bureau of Investigation (in short, FBI) is also requested for the assistance as the FBI interviewed the US victim of the fraudulent call centre as were provided by West Bengal Police.

The fact remains that no notice under Section 41A was served upon the accused person as has been prayed for and the writ petition is pending before the Hon'ble Court regarding the same. It is also a fact that pursuant to the observations of the Hon'ble Court the petitioner was given liberty to approach the regular Court as per statutory relief and accordingly, this writ petition has been filed. Therefore, at this stage, this Court is concerned about the issue of enlargement on bail of the accused person under the purview of the settled law.

From the available materials the complicity of the petitioner can be found relating to the case which is serious in nature. The danger of the petitioner absconding or fleeing also cannot be ruled out as after a raid was conducted he was not found present.

It further appears from the materials on record that the investigating authority issued look out circular and they had the information that he may leave India for abroad. Accordingly, he was arrested from the Netaji Subhash Chandra Bose International Airport. The involvement of the petitioner in connection with another complaint being Baguihati PS Case No. 596/24 further draws an adverse inference against the petitioner though he is released on bail.

In view of the above facts and circumstances of this case, considering the nature and gravity of offence, the material available on record, the complicity of the accused and submissions made on behalf of both the learned advocates, this Court is not inclined to allow the prayer of the petitioner since the process of investigation may be frustrated and hence, the bail prayer stands rejected.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

[Chaitali Chatterjee (Das), J.]