

21.04.2025
Item No.20-21
Ct.No.34
rc.
Allowed

C.R.M. (DB) 2811 of 2024

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Cyber Police Station Case No. 98 of 2022 dated 23.06.2022.

And

In Re : **Raneet Acharya** ... Petitioner

with

C.R.M. (DB) 3143 of 2024

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bidhannagar Cyber Police Station Case No. 98 of 2022 dated 23.06.2022.

And

In Re : **Gourav Jain** ... Petitioner

Mr. Sabir Ahmed
Mr. Anirban Guhathakurta
Mr. Sujan Chatterjee
Mr. Rohan Bavishi

... for the Petitioner
[in CRM (DB) 3143 of 2024]

Mr. Milon Mukherjee
Mr. Apalak Basu
Mr. Nazir Ahmed
Ms. Sanghamitra Mridha
Mr. Shuvam Kanjilal

... for the Petitioner
[in CRM (DB) 2811 of 2024]

Mr. Rudradipta Nandy
Mr. Rituparna Saha

... For the State
[in CRM (DB) 3143 of 2024]

Ms. Anusuya Sinha
Ms. Mousumi Sarkar

... For the State
[in CRM (DB) 2811 of 2024]

Heard learned counsels for the parties.

Bail prayers of the petitioners were turned down by this Court earlier considering the merits of the case as well as involvement of the petitioners in the alleged offence. The petitioner renew their prayer primarily on the ground of prolonged detention without trial.

Learned counsels for the petitioners submit that the petitioners are in custody for about three years and only the first witness has been examined in chief in part. Learned counsels refer to Section 479 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and Section 437(6) of the Code of Criminal Procedure and submit that since trial has not commenced even after lapse of sufficient period and also since the petitioners are in custody for considerable period of time they may be granted bail.

Per contra, learned counsel for the State vehemently opposes the prayer and submits that trial was delayed since the co-accused went up to the Hon'ble Supreme Court and the trial was stayed by this Court as well as the Hon'ble Supreme Court from April 20, 2023 to July 05, 2023 in the first phase and from July 28, 2023 to January 30, 2024 in the second phase.

I have considered the submissions made on behalf of the parties as well as material on record. The petitioners are in custody for more than two years. Allegations are triable by the learned Magistrate. The delay in trial cannot be wholly attributable to the petitioners. It appears that the petitioners in CRM(DB) No. 3143 of 2024 Gourav Jain filed an application

before the learned trial Court for splitting up of the trial and expeditious disposal since he was in custody for quite some time. It also appears that the prosecution proposes to examine 25 witnesses.

Considering the period of detention of the petitioners and also the fact that completion of trial within a short span of time is bleak, this Court is of the view that further detention of the petitioners is not required and they may be released on bail subject to stringent conditions.

Accordingly prayer for bail of the petitioners is allowed.

Accordingly, the petitioners, **Raneet Acharya** and **Gourav Jain**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Bidhannagar subject to condition that the petitioners shall remain within the jurisdiction of Bidhannagar Police Commissionerate and shall furnish the address where they shall henceforth reside before the learned trial Court and Investigating Officer. The petitioners shall provide their respective mobile numbers to the learned trial Court as well as Investigating Officer and shall not change the said mobile numbers without intimation to the learned trial Court and the Investigating Officer. The petitioners shall appear before the learned trial Court on every date of hearing fixed before him and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with any of the conditions mentioned above without justifiable cause, the learned trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The applications for bail are, thus, disposed of.

Case Diary be returned.

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

(Suvra Ghosh, J.)