

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

Present:-

HON'BLE JUSTICE CHAITALI CHATTERJEE DAS.

CRM(M) 1969 OF 2025

**MD. MUMTAZUL ISLAM @ JUEL & ORS.
VS**

THE STATE OF WEST BENGAL

**For the Petitioners : Mr. Kazi Abul Hasem, Adv.
Mr. Somnath Banerjee, Adv.
Mr. Sib Sankar Chakraborty, Adv.**

**For the State : Mr. Rudradipta Nandy, Learned APP.
Mrs. Shaila Afrin, Adv.
Mrs. Manasi Roy, Adv.**

Last heard on : 29.10.2025

Judgement on : 04.11.2025

Uploaded on : 04.11.2025

CHAITALI CHATTERJEE DAS, J. :-

- 1.** Memo of evidence submitted by the state is taken on record.
- 2.** Submissions advanced on behalf of the learned counsel for the petitioner that the petitioner no.2, 3,4 and 5 are the students and aged in between 21 to 23 years and they have been falsely implicated in this case. The petitioner no.1 was neither arraigned as an accused person in the F.I.R and in the chargesheet no.3 of 2025 dated 17.2 .2025. In the supplementary charge sheet

dated 17.5.2025, the present petitioner no.1 was arraigned as an accused person. His bail application was rejected earlier. Petitioner no.3 and 4 never approached this court for an order of bail. It is further contended that excepting Section 317(4) BNS other charges are triable by the Court of Learned Magistrate and the section has been incorporated unnecessarily in the supplementary charge-sheet and it has thwarted the chance of bail to the petitioner. They are in custody for a prolong period and the charge-sheet has been submitted after completion of investigation hence further detention is not necessary. That apart prosecution witness will examine 57 witnesses and will rely upon 450 documents to prove the charges alleged during the trial so there is remotest possibility of conclusion of trial and this long incarceration certainly would lead to be violation of their right enshrined under Article 21 of the Constitution.

- 3.** The prosecution on the other hand raises strong objection and submits that the fraudsters hacked the portal name and style 'Banglar Sikhsha Portal and changed the bank accounts and IFSC code of the students Bank Account which were uploaded by school authority earlier and input their desired bank account which they collected from their neighbours by giving false information to transfer of Rs. 10,000/- of each Bank account provided as Taruner Swapna Scheme 2024-25 for the students of class XI -XII by West Bengal Government and after credited the same the accused persons arrange to withdraw the same and benefitted . It is further submitted that the petitioners not only hacked the portal under the present scheme in respective one school, but a number of schools and students of those schools whose bank accounts were changed by using the IP address . The accused persons took data connection from Binary

world under Alliance Broadband, Wish net, Vodafone and Airtel for changing the bank accounts at Bangla Shiksha portal. That apart they are habitual offenders and the petitioner no.1 is the mastermind behind this entire conspiracy.

4. Heard the submission of both Advocates. The memo of evidence submitted by the learned prosecution reveals the modus operandi which prima facie shows a very well organised manner huge amount of money has been diverted to other accounts by changing the bank details of the students of the government schools which were to be utilised for a government scheme. The case has a deep rooted well organised racket which creates fake and hired accounts by the accused persons by using technology and in this manner have siphoned huge amount of money which were supposed to be credited in the bank account of the students under the scheme Taruner Swapner Scheme , by practising fraud.. Prima facie involvement of the accused is well established and the Wish Net broadband connection was subscribed by the wife of the petitioner and it revealed in course of investigation that the petitioner No.1 is the subscriber of the mobile number. So far the -point raised on behalf of the petitioners that the charge under Section 317 (4) of BNSS has been incorporated without any reason and only to thwart the petitioner's chance of bail , it is found that challenging the charge framed under the said section by the learned Trial Court, the petitioner No. 4 filed a criminal revision application filed before this court .A coordinate bench of this Court, by an order dated September 25, 2025 dismissed the application. Therefore this point has been set at rest and in course of trial, only it will be decided whether the said charge was framed correctly or not.

5. On numerous occasions, the bail prayer of the petitioner no. 1 and other accused persons were rejected. In course of investigation it has come that the father of petitioner no 2 is the subscriber of the mobile phone used by the petitioner no2 and the SIM of the said mobile was used in this case. In course of investigation it was further found that the mobile number of petitioner no3 and 4 along with other accused persons are directly involved for changing the bank account numbers against Petitioner No. 5 at least 19 criminal cases including cyber-crime cases are pending.

6. In this case charge sheet has been submitted and the case is fixed for adducing evidence on 7/11/25. The prosecution submitted before this court that they intend to examine 23 witnesses out of 57 witnesses. Admittedly the accused persons are in custody since long and it's now settled proposition that the court must balance the individual's constitutional right to liberty with society's interest in public safety particularly when an offender has a history of criminal behaviour .That apart the Court must consider the risk of accused absconding ,tampering or influencing the witnesses. On perusal of the Case Diary of this case the criminal antecedent manifest that the petitioners are habitual offenders and this Court cannot be oblivious of the potential risk involved of the petitioners being absconding or influencing and if enlarged on bail the possibility to tampering with the evidences cannot be ruled out when the evidence has not yet started .

7. Hence the prayer stand rejected

8. The application for bail is disposed of.

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

(CHAITALI CHATTERJEE DAS,J)

