

09.02.2023
Sl. No.11
akd
[Rejected]

C. R. M. (DB) 513 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.01.2023 in connection with Bidhannagar Cyber Police Station Case No.98 of 2022 dated 23.06.2022 under Sections 419/420/467/468/469/471/120B/34 of the Indian Penal Code read with Sections 66C/66D of the Information Technology Act. (G.R. Case No.648 of 2022)

And

In Re: ***Prosenjit Hari***

... .. Petitioner

Mr. Devajyoti Barman
Ms. Sanjukta Basu Mallick

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Sonali Das

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for about 200 days. It is further submitted petitioner is a mere employee of the company. He did not play any role in the conspiracy to cheat foreign nationals.

Learned Additional Public Prosecutor opposes the prayer for bail and submits the instant case involves a deep rooted conspiracy amongst the accused persons to impersonate a well-known IT company viz. Microsoft Corporation. By such dishonest means, they induced foreign nationals in various countries to make deposits which were misappropriated. Charge has been framed and trial is in progress. Petitioner is a software developer who actively participated in the fraud.

We have considered the materials on record. A conspiracy having trans-border impact was unearthed. During investigation, it was found that the accused persons had prepared a fake website and personated as Microsoft Corporation to cheat foreign nationals.

Petitioner is a software developer and he is involved in the technical aspects of the conspiracy. His bail prayer was rejected earlier. Trial has already commenced. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus **rejected**.

Trial court is directed to expedite the trial and conclude the same at an early date without granting unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)