

03.04.2023.  
20.  
Ct.No.28  
as  
(Allowed)

**C.R.M. (DB) 929 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bolpur P. S. Case No.346 of 2021 dated 18.09.2021 under Sections 406/420 of the Indian Penal Code and charge sheet submitted under Sections 406/420/413/419 of the Indian Penal Code read with Sections 66/66C/66D/71 of the Information Technology Act.

In the matter of : Rajesh Bhattacharjee.

.... Petitioner.

Ms. Jeenia Rudra.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,  
Mr. Bibaswan Bhattacharya.

...for the State.

Petitioner is in custody for more than a year. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner is a member of an organised gang which duped innocent individuals on the false promise of setting up 5G towers.

We have considered the materials on record. Petitioner is a member of organised gang involved in duping individuals on false promise of setting up 5G towers. Though the allegations involves an organised crime activity, charge has been framed and the offences are triable by Magistrate. There is little possibility of trial concluding in the near future.

Under such circumstances, we are inclined to grant bail to the petitioner subject to conditions.

Accordingly, the petitioner viz., Rajesh Bhattacharjee 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 the learned Additional Chief Judicial Magistrate, Bolpur, Birbhum subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition petitioner while on bail shall not indulge in similar activities.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause and/or is implicated in similar offence or does not co-operate with the trial, it shall be open to the trial court to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**