

S.C 131/2025

CNR no.WBHG01-002269 -2024

Order no.08 dated 17.07.2025

Today is fixed for passing order in respect of the bail applications of four accused persons namely Hakim Mohammad, Golam Mustafa, Mohammad Nishek Alam and Sahin Akhtar.

Accordingly, the case record with CD of the case are placed before me. Learned Advocates for the aforesaid accused petitioners moving the respective bail applications commonly submitted that they are of youth age and became victims of false and motivated implication by the police. My attention is drawn to their sufferance in custody for more than six months. None of the implicated sections are getting applicable upon them. Under no terms they were benefited as per the claim of the prosecution. More specifically chargesheet has been submitted in this case and there is no scope to keep them behind the bar any further. Also there is no near possibility of commencement of trial as also there are numerous witnesses cited in the chargesheet. If on bail, they will not hamper the progress of this case and they will not evade from the process of this learned Court and will comply all the bail conditions to be imposed.

Learned Junior Advocate attached to the learned Special P.P of this case raising strongest objection submitted that the learned court is urged on to go through the materials in the CD as found against them and their respective roles. My attention is accordingly drawn from the relevant pages of the CD. He drew my attention as to the modus operandi of this very unconventional case of cyber crime. The contents of the FIR is read through. He submitted that the accused persons if granted bail, will never return to the process of this learned court. They are the residents of other district jurisdictions.

After the submission of the prosecution is completed, the learned Advocate for the accused petitioner Sahin Akhtar refers the case decision of Vihaan Vs State of Haryana and submitted that in the event the grounds of arrest is not communicated to the accused, this accused would be entitled to get bail.

To supplement his contention as against the aforesaid case decision of the Hon'ble Supreme Court of India, the learned prosecution submitted that the learned Court should appreciate this very striking and unconventional nature of the cyber crime of this case. The learned Court should also appreciate the modus operandi of the accused persons including the present petitioners for committing the whole offence. They are not entitled to get bail as prayed for. He refers the case decisions of 2004 Cr.LJ 1796 SC (on the point of no likelihood of trial), AIRONLINE 2007 SC 15, AIRONLINE 2021 Bom 3729, 2007 Cr.LJ 3614 (RaJ) and AIRONLINE 2021 2557 (All) and lastly 2021 CrLJ 922 (Del). (all on the point of habitual offenders).

I have carefully heard the parties at length when the matter was moved. I have perused the CD of this case as placed before me for consideration of the bail applications. I have also gone through the materials on case record. In the given case, the accused persons have allegedly cheated the students of the complainant Uttarpara Amarendu Vidyapith Higher Secondary School. As many as 24 students did not receive Rs.10,000/- in their bank

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accounts. It need be mentioned here that such money was supposed to be credited in their bank accounts under a scheme popularly called as “ Taruner Swapner Scheme” 2024-25. The said amount was released by Hooghly Treasury. School was taken by surprise when those amounts were not credited as it should be. The students are found to have been cheated by some unknown miscreants. From the CD of the case, I have noted the involvement of the accused petitioners in creating different IP addresses and by fetching all the datas. They have even misused the “Banglar Shiksha Portal” in benefitting themselves and cheating different schools of this State. The way the crime has been committed for illegitimate money, cannot be encouraged. The victims were ultimately the schools and its students and also the said Schemes turned ill-fated. The grounds for grant of bail of the accused petitioners is untenable in my humble consideration and on the count of the seriousness of the offence side by side the incriminating materials lying in the CD and in the case record.

The accused persons namely Sahin Akhtar was arrested on 28.11.2024, Gulam Mustafa was shown arrest on 02.12.2024, Hakim Mohammad on 23.11.2024 and Mohammad Nishak Alam on 04.12.2024. From the CD I find that the grounds of their arrest are found to have been communicated in compliance with section 47 of the BNSS.

With the above observations and the very seriousness of the offence, the accused petitioners are not entitled to any clemency of bail. Accordingly, the bail petitions of all the four accused petitioners as above stand **rejected**.

To date **29.07.2025** for production of all the accused persons and framing of charge.

Dictated & corrected by me

Sd/-

Additional Sessions Judge,
1st Court, Chinsurah
J.O Code no.WB00753

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1st Court, Chinsurah.
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