

16.03.2023

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 1079 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Charu Market** Police Station Case No. **166** of **2022** dated **19.12.2022** under Sections 120B/420/409/477A of the Indian Penal Code, 1860.

And

In Re : Sri Abhimanyu Jalan

..... petitioner

Mr. Debasish Roy

Mr. N. A. Chakraborty

Mr. Anujit Mookherjee

....for the petitioner

Mr. Sourav Chatterjee

Mr. Daanish Haque

Mr. Soumya Nag

....for the de-facto complainant

Mr. Rudradipta Nandy

Mr. S. S. Imam

Mr. R. Jana

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, as a broker, the petitioner brought business to the company of the de-facto complainant. Petitioner was entitled to brokerage. There is a dispute of about rupees eight lakhs out of which rupees two lakhs was paid. Balance the petitioner is ready and willing to make good to the de-facto complainant.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that, the company of the petitioner is not registered with the Housing Infrastructure Regulatory Authority (HIRA). Such registration belongs to one of the employees of the

company of the petitioner. Such registration number was used for the purposes of transaction of other flats also. The quantum of money defalcated is in excess of rupees three crores. Therefore, he submitted that, the claim that the only defalcated amount is around rupees eight lakhs is misplaced.

Learned advocate for the de-facto complainant submits that, an employee hand in glove with an employee of the company of the petitioner defrauded the de-facto complainant for a sum of rupees three crores. There are materials in the case diary making out a prima facie case as against the petitioner for investigations. Releasing the petitioner on pre-arrest bail is likely to affect the course of investigations.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 1079 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)