

15.  
23-08-2023  
(ct. no.29)  
Sayandeep  
**Allowed**

### **CRM(A) 3119 of 2023**

**In re:** An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Uttarpara Police Station** Case No. **210 of 2023** dated **08.06.2023** under Sections **420/406/120B/34** of the Indian Penal Code.

- A n d -

**In the matter of : Koushik Das & anr.**

.... Petitioners.

Mr. Dipankar Aditya  
Ms. Tina Biswas

... For the Petitioners.

Mr. Joydeep Roy  
Ms. Sujata DAS

... for the State.

1. Heard learned counsel for the parties.
2. The petitioners are stated to have taken brokerage charge for sale of a land from the petitioners. The petitioners having failed to get the sale effected, the informant is demanding the advance brokerage charge paid to the petitioners. The petitioners are bound to refund the said amount but in our view no criminal offence is made out at least prima facie.
3. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation, nature of offence and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of their arrest in the aforesaid P.S. case on such terms and

conditions as deemed just and proper in the facts and circumstances of the case including the fact that:

- i) The petitioners are directed to appear before the IO for the purpose of investigation as and when required.
4. The petitioners are directed to appear before the IO within 21 days from today along with a server copy or certified copy of this order.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being CRM(A) 3119 of 2023 is disposed of.
7. The I.O. is hereby directed to act upon the server copy of this order, if required.

**( Chitta Ranjan Dash, J.)**

**(Partha Sarathi Sen, J.)**