

18.09.2023  
M/L 84  
Ct. No.29  
(Allowed)  
(SKB)

**CRM (A) 3691 of 2023**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Santragachi P. S. Case No.111 of 2022 dated 28.12.2022 under Sections 417/406 of the Indian Penal Code.

In the matter of : Partha Das and another  
... Petitioners

Mr. Sandip Ray  
... for the petitioners

Mr. Sudip Ghosh  
... for the State

1. Heard learned counsel for the parties.
2. The informant is alleged to have paid Rs.22 lakhs for purchase of a web domain from the petitioners and the petitioners after taking money, did not do anything and duped the informant.
3. Per contra, it is submitted by learned counsel for the petitioners that the informant gave Rs.16 lakhs towards price of the aforesaid domain and they provided the domain to the informant which the informant could not operate in the market and put the blame on the petitioners to the effect that he had paid Rs.22 lakh to the petitioners and they did not do anything for him (informant). The aforesaid question being a question of fact should be left to the discretion of the learned trial court.

4. This being a business transaction, we do not find any justification of custodial interrogation of the petitioners.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation and substantial progress in investigation, it is directed that each of 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 condition:
  - i) The petitioners are directed to appear before the IO once in a fortnight on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. Within 21 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
8. The applications being CRM(A) 3691 of 2023 is disposed of.
9. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

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

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