

19.09.2023  
M/L 183  
Ct. No.29  
(Allowed)  
(SKB)

**CRM (A) 3790 of 2023**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Hare Street P. S. Case No.361 of 2022 dated 22.12.2022 under Sections 420/406/120B of the Indian Penal Code corresponding to G.R.(S) No.1506 of 2022.

In the matter of : Milan Kumar Aggarwal

... Petitioner

Mr. Vipul Kundalia,  
Mr. Kushagra Shah,  
Mr. Pinak Kr. Mitra

... for the petitioner

Mr. Sudip Ghosh,  
Mr. Koushik Kundu

... for the State

Mr. Sabyasachi Banerjee,  
Mr. Ayan Bhattacharjee,  
Mr. Abhra Jena

... for the defacto complainant

1. Heard learned counsel for the parties.
2. One Manish Aggarwal who is the alleged director of the company has been released on anticipatory bail vide order dated 10.08.2023 passed in CRM (A) 2926 of 2023 by us.
3. So far as the present petitioner is concerned, he is alleged to be one of the director of the company. The amount involved in the transaction is Rs.4,09,71, 490/-.
4. So far as the present petitioner is concerned, learned counsel for the informant tried to differentiate his case on

the ground that the present petitioner is the one who was dealing with the receipt and payment to the informant. Either the petitioner shall pay back the amount or shall redeliver the goods to them. In the earlier case, referred supra in paragraphs 5 and 7 we have discussed the ground as to why we are releasing the petitioner in that case on anticipatory bail.

5. Regard being had to such facts and submissions, ground of parity, it is directed that the present petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the G.R.(S) No.1506 of 2022 arising out of 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 conditions:

- i) The petitioner is directed to appear before the IO as and when required for the purpose of investigation till submission of Final Form.
- ii) The petitioner is further directed to produce all relevant documents required by the IO subject to right of his withdrawal of such document if it has the tendency to disclose defence.

6. Accordingly, the prayer for the anticipatory bail is allowed.

7. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.

8. The applications being CRM(A) 3790 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.)**