

Item Court 16
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sg
28-09-2020

C.R.M. 7106 of 2020
IA No. CRAN 1 of 2020
(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with RPF/Post/Bamangachi Case No. 01 of 2020 dated 15.02.2020 under sections 3(a) of the Railway Property (Unlawful Possession) Act.

Allowed

Dipak Sharma
Versus
General Manager

Mr. Sabyasachi Banerjee, Adv.
Mr. A.P. Agarwalla, Adv.

...for the petitioner

Mr. Amarjit De, Adv.

...for the Railway

Md. Anwar Hossain, Adv.
Ms. Sreyashee Biswas, Adv.

...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

Accordingly, CRAN 1 of 2020 is disposed of.

Learned Counsel appearing on behalf of the petitioner submits that the principal employer of the petitioner, namely, Krishan Kumar Agarwal has recently been granted anticipatory bail along with another co-accused on 4th August, 2020 by a co-ordinate Bench. The petitioner is only an employee. Learned counsel accordingly submits that the petitioner stands on better footing than Krishan Kumar Agarwal and anticipatory bail may be granted in favour of the petitioner. He further submits that the petitioner has recently lost his father and the mourning period is not yet over.

Learned Counsel appearing on behalf of the Railways has fairly submitted that the petitioner stands on the same footing as Krishan Kumar Agarwal.

In view of the fact that the investigation of this case is in progress and Krishan Kumar Agarwal has already been granted anticipatory bail and the petitioner having assured his learned counsel that he would cooperate with the investigation, we are of the opinion that custodial interrogation or detention of the petitioner may not be required.

Accordingly, in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount, one of whom must be local, to the satisfaction of Learned Chief Judicial Magistrate, Howrah and on condition that the petitioner shall not tamper with the evidence or intimidate the witnesses. The petitioner shall meet the investigating officer after ten days and thereafter once a week until further orders.

The application for bail is allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Jay Sengupta, J.)

(Soumen Sen, J.)