

02.12.2022

Serial no. 09

[Dd]

*Petr. No. 1 **Allowed***

*Petr. No. 2-**Rejected***

CRM (A) 5589 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **RPF Post (Mechada) MCA** Case No. **01** dated **10.03.2022** under Sections **3(a)** of the Railway Property (Unlawful Possession) Act, 2012.

-And-

In the matter of : **Chandan Shaw @ Sao & Anr.**

... .. Petitioners

Ms. Shakshi Rathi, Advocate

... .. For the Petitioners

Mr. Dipankar Dandapath,

Mr. Kalisas Saha, Advocates

... ..For the State

In view of the second petitioner (Lal Mohar Chowdhury) being arrested in the present police case, prayer for anticipatory bail so far as the second petitioner is concerned is rejected.

It is alleged as against the petitioners that the petitioners were found in possession of properties belonging to the Railways.

The investigations are yet to be concluded.

Apparently, the Railway Authorities are not proceeding against any Railway personnel.

Considering the gravity of the offence and the involvement of the first petitioner in the incident as transpiring from the materials in the case diary, we are inclined to grant anticipatory bail to the first petitioner (Chandan Shaw @ Sao).

Accordingly, we direct that in the event of arrest the petitioner no. 1 (Chandan Shaw @ Sao) shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten

Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner no.1 shall report before the Investigating Officer as and when called for till the conclusion of the investigation and on further condition that the petitioner no.1 shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner no.1 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner no. 1 is **allowed.**

CRM (A) 5589 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)