

01.03.2023
Serial no. 03
[Dd]
(Anticipatory bail)
Disposed of)

CRM (A) 490 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **M. Ex. 94 of 2022 and M.Ex. 106 of 2022 and M.Ex. 346 of 2022** arising out of **M.Case No. 201 of 2008** under Section **125** of the Criminal Procedure Code.

-And-

In the matter of : **Sri Narendra Nath Sil**
... .. Petitioner

Mr. Dilip Kr. Sadhu, Advocate
... .. For the Petitioner

Ms. Santi Das,
Ms. Sayanti Sengupta, Advocates
... ..For the de facto complainant

Mr. Avinash Kankani, Advocate
.. ...For the Eastern Railways

Mr. Imran Ali,
Ms. Debjani Sahu, Advocates
.. ...For the State

Petitioner filed a supplementary affidavit which be taken on record.

By the supplementary affidavit, petitioner states that the petitioner will be paying the arrears maintenance in terms of the orders of the jurisdictional Court, month by month, commencing from the month of March, 2023 at the rate of Rs.25,000/- per month. So far as the current is concerned, petitioner will continue to pay the same to the de facto complainant.

Learned advocate appearing for the petitioner submits that a sum of Rs.25,000/- towards arrears and a sum of

Rs.9,000/- towards current dues be deducted from the salary account of the petitioner maintained with Eastern Railways to the Bank Account of the de facto complainant being A/c. no. 1880010101974 (Punjab National Bank. Br. Nawapara Baranagar, IFSC Code – PUNB0188020).

Learned advocate appearing for the Eastern Railways submits that without an appropriate order from a Court, the payment could not be made. He submits on instructions that, the subsequent to such an order, the railway authorities will comply with the same.

In such circumstances, the Chief Works Manager, Eastern Railways, Kancharapara Workshop will continue to disburse a sum of Rs.25,000/- and Rs.9,000/- to the Bank of the de facto complainant as appearing in this order until further orders of an appropriate Court, commencing from the month of March, 2023.

The present application is directed against an order passed in a Execution Case under Section 125 of the Criminal Procedure Code.

We do not find the present application to be maintainable.

In such circumstances, CRM (A) 490 of 2023 is **disposed of.**

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)