

14.03.2023
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Ct. No. 29
CHC
Rejected

C.R.M.(A) 840 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **RPF/Andal (Open Line) Post** Case No.17 of 2022 dated **04.10.2022** under Section 3(a) of the Railway Property (Unlawful Possession) Act, 1966.

And

In the matter of: Sk. Zahiruddin @ Sekh Zahiruddin & ors.
..... petitioners

Mr. Sujoy Sarkar,
Mr. Rahul Chachan
....for the petitioners

Mr. Dipankar Dandapath,
Mr. Sagar Saha
...for the Railways

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that petitioners were not named in the First Information Report. Those stolen properties were not found from the possession of the petitioners. Therefore, custodial interrogation of the petitioners are not required.

Learned advocate appearing for the railways submits that there is a criminal complaint against the petitioners. The petitioners are persons who steal railway properties, regularly. In the present complaint, stolen properties of railways were recovered from the co-accused. Such co-accused named the

petitioners as persons who stole the railway properties and made them over to the persons who were arrested.

There is a previous complaint as against the petitioners involving the same type of incident.

In such circumstances, enlarging the petitioners on anticipatory bail at this stage may affect the investigation.

We, therefore, are unable to grant anticipatory bail to the petitioners.

CRM (A) 840 of 2023 is rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)