

22.01.2024
Item No.18
Ct. No. 29
CHC
Allowed

C.R.M.(A) 138 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with RPF Post Town KGP Case No. **8/2023** dated **02.12.2023** under Section **3(a)** of the Railway Property (Unlawful Possession) Act, 1966.
And

In the matter of : Rajesh Agarwal .

..... petitioner

Mr. Milon Mukherjee, Sr. Advocate
Mr. Rahul Ganguly
....for the petitioner

Mr. Arun Kumar Maiti,
Mr. Sourav Mandal
....for the Union of India (RPF)

Petitioner prays for anticipatory bail.

Learned Senior Advocate appearing for the petitioner submits that, the petitioner was falsely implicated.

Learned advocate appearing for the Railway submits that, stolen articles were recovered from co-accused. On the leading statement made by such co-accused, the godown of the petitioner was raided. Warranty card of five Lead Acid batteries and one cartoon of batteries were seized along with cash memo.

Apparently, the petitioner before us deals in scrap materials.

The issue as to whether petitioner received the articles, knowing the same to be stolen property or not can be decided at the trial.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner 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 will report before the Investigating Officer once in a fortnight till the conclusion of investigation and on condition that the petitioner 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 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 138 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)