

19.02.2024
DL-53
Court No.29
(AD)
(Allowed)

C.R.M. (A) 488 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **R.P.F./Town Post/KGP** Case No.**08 of 2023** dated **02.12.2023** under Section **3(a)** of the Railway Property (Unlawful Possession) Act.

And

In the matter of: **Pankaj Shaw**

....petitioner.

Mr. Suman Dey
Mr. Abhinaba Mukherjee
Mr. Souvik Ghosh

...for the petitioner.

Mr. Sourav Chatterjee
Mr. Souyrav Mondal

... for the Union of India.

Co-accused was granted anticipatory bail by the order dated January 22, 2024 passed in CRM(A) 138 of 2024. No stolen article was seized from the possession of the petitioner.

Plea of the Union of India is that the address of the petitioner described in the cause-title of the petition is not correct.

Petitioner relies upon Aadhar Card and the Identity Card issued by the Election Commission of India to claim that the address noted in such documents were provided in the cause-title of the petition.

Plea of parity of the petitioner with the other co-accused cannot be overlooked.

As to whether, the petitioner received any stolen articles 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a month till the conclusion of the 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 488 of 2024 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)