

17.09.2024  
SL No.20  
Court No.29  
(gc)

**CRM (A) 2534 of 2024**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973/under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with RPF Post, Garden Reach, South Eastern Railway Police Station Case No.01 of 2024 dated 27.06.2024 under Section 3 of the Railway Property (Unlawful Possession) Act, 2012.

And

In the matter of : **Ganesh Chandra Malik**

- Petitioner.

Md. Sabir Ahmed,  
Mr. Bhaskar Hutait,  
Mr. Dhiman Banerjee,  
Ms. Tasnim Ahmed

....For the Petitioner.

Mr. Kallol Mondal,  
Mr. Sagar Saha

... For the Railway/OPs.

1. Mr. Kallol Mondal, learned Counsel appearing on behalf of the opposite parties has submitted that an application has been filed for cancellation of bail granted to Mr. Subhendu Roy being CRM (SB) 120 of 2024.
2. Mr. Sabir Ahmed, learned Counsel appearing on behalf of the petitioner submits that in terms of our earlier orders, the petitioner has met the investigating agency and has cooperated with the investigation.
3. Mr. Mondal has not disputed such submission.
4. In view thereof, the interim protection granted earlier shall continue till the disposal of the application for cancellation of bail filed by the prosecution.

5. In the event the application for cancellation of bail succeeds, no coercive action shall be taken against the petitioner on the basis of the said order for a period of two weeks from the date of passing of the said order.
6. We make it clear that in the event an application is filed for anticipatory bail consequent upon the dismissal of the application for cancellation of bail, the orders passed in this proceeding may not stand in the way in considering the application for anticipatory bail afresh and on merits.
7. With the aforesaid observation, the application for anticipatory bail is, accordingly, disposed of.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Soumen Sen, J.)**

**(Uday Kumar, J.)**