

Court No.29

Item No.11

Allowed

CRM (A) 3459 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with RPF post/GRC Case No. 01 of 2024 dated 27.06.2024 corresponding to Court Case No. TR 74 of 2024 dated 28.6.2024 under Section 3(a) RU(UP) Act.

And

In Re: **Raj Kumar Gupta**

Petitioner

Mr. Rishav Kumar Singh

Mr. Sagar Kumar Mishra

Ms. Samhita Upadhyay

Ms. Vaishnavi Sonkar

Mr. Soumalya Dutta For the Petitioner

Mr. Arun Kumar Maiti (Mohanty)

Mr. R.R Mohanty For the State

1. Heard the learned counsel appearing for the parties.
2. Pursuant to our earlier order, the report filed by the Inspector of RPF post/ GRC is taken on record. It appears from the report that the petitioner has cooperated with the investigation. The perception of the Investigating Officer that the petitioner is supposed to make confessional statement during investigation is completely ill-founded and cannot be the basis for detention. The Court is required to ascertain whether the custodial interrogation of the petitioner is necessary or not in the given facts and circumstances of the case.
3. The principal accused appeared according to the statement of Raj Kumar Jaiswal, Arun Kumar Jaiswal, Radha Krishna Rathi and Rajesh Kumar Gupta. It has been admitted that all the co-accused persons have been granted bail and one Ganesh Chandra Malik against whom an allegation is

made for mis-appropriation of UPS was granted interim protection and subsequently he was granted anticipatory bail on 17th September, 2024, subject to certain conditions. Subhendu Roy is also presently on bail.

4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and the report filed by the Inspector of RPF post/ GRC, we are of the view that the petitioner has cooperated with the investigation and is similarly placed as that of the other co-accused persons who were enlarged on anticipatory bail or bail. On such consideration, we are of the view that custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Raj Kumar Gupta** shall be released on bail upon furnishing a bond of Rs.20,000/-, with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023. The petitioner shall meet with the I.O once in a fortnight till the submission of the final report and shall not leave the jurisdiction of Kolkata without the leave of the Jurisdictional Court, except for the purpose of meeting with I.O and attending the Court and on further condition that the petitioner shall appear before the **learned Chief Judicial Magistrate, Alipore, within 10 days** from date in connection with **Court Case No. TR 74 of 2024**. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar, J)