

19/05/2025

D/L 30
Ct. No.28
S.Kundu
Allowed

C.R.M.(A) 1509 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure. In connection with RPF Post, Mecheda case no. 1 of 2025 dated 21.2.2025 under Section 3(a) of the Railway Property (Unlawful Possession Act, 2012).

In the matter of: Pappu Chowdhury

... Petitioner

Mr. Jayanta Narayan Chatterjee
Ms. M. Pandit
Ms. R. Banerjee

...for the petitioner.

Mr. Krishnendu Bhattacharya
Mr. Uttam Basak

...for the U.O.I.

1. Learned senior counsel appearing for the petitioner submits as follows. The articles seized from the petitioner's shop in his absence did not belong to the Railways. They were lead blocks and did not match with the articles that were supposedly stolen. Similarly circumstanced co-accused was granted anticipatory bail by this Court on 28.4.2025 in CRM (A) 1331 of 2025. The prime accused has been arrested in this case.
2. Learned counsel appearing for the Union of India relies on the statements of witnesses and the seizure list. The petitioner does not stand on the same footing as the co-accused who was granted anticipatory bail.
3. It appears that the maximum imprisonment for the alleged offence is up to five years.

4. In view of the fact that the prime accused has been arrested, the articles have been recovered, considering the alleged role ascribed to the present petitioner and the fact that the substantially similarly circumstanced co-accused was granted anticipatory bail by this Court, I do not think that custodial interrogation of the petitioner is required in this case.
5. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to further conditions that the petitioner shall cooperate with the investigation and shall not threaten or intimidate witnesses. The petitioner shall meet the I.O once a fortnight till submission of report in final form.
6. Accordingly, the application for anticipatory bail is allowed.
7. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)