

20.11.2020
Court No. 16
Item No.26
(D/L)
akd & ab

**CRM 8514 of 2020
(Via Video Conference)**

In Re: An application for anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Goghat Police Station Case No. 78 of 2019 dated 02.03.2019 under Sections 135(1)(a) of the Electricity Act, 2003.

and

In the matter of: Karibullah Khan.

..... Petitioner

Mr. Suddhadev Adak.

.....for the Petitioner

Ms. Manisha Sharma.

..... for the State

Mr. Aniket Mitra.

..... for the WBSEDCL

The petitioner undertakes to affirm and stamp the petition as per the Rules within one week of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The matter pertains to an offence under Section 135 of the Electricity Act, 2003.

The distribution company is represented and claims that the provisional assessment is to the extent of Rs.2.24 lakh. According to the distribution company, the petitioner was using a submersible pump by hooking a line from the overhead line.

Considering the circumstances, the petitioner will be entitled to obtain anticipatory bail upon first making a deposit of Rs. 1.20 lakh with the distribution company and presenting the receipt to the arresting officer.

In the event the payment has been made, the petitioner will be enlarged on bail on furnishing security of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The petitioner should abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure,

1973.

In default of deposit in terms of this order being made, the petitioner will not be entitled to anticipatory bail.

Upon the deposit being made, the same will be held without prejudice to the rights and contentions of the petitioner herein and subject to the outcome of the final assessment and any challenge thereto before the appellate authority as long as such challenge is filed within time.

CRM 8514 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Hiranmay Bhattacharyya, J)