

22.07.2021

Court No.28
Item No.622
(Allowed)

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&
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CRM 1120 of 2021
(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Cossipore Police Station Case No. 221 of 2020 dated 18.12.2020 under Sections 135/138/149 of the Electricity Act, 2003;

And

In the matter of : **Kailash Chand Beriwal**
@ Kailash Chandra Agarwal.
...Petitioner

Mr. Pawan Kumar Gupta,
Mr. Ajay Dhand,
Ms. Sofia Nadar,
Mr. Santanu Sett.

...For the Petitioner

Ms. Kum Kum Mitra.

...For the State.

Apprehending arrest in connection with Cossipore Police Station Case No. 221 of 2020 under Sections 135/138/149 of the Electricity Act, 2003, the petitioner has filed the instant application for anticipatory bail.

The aforementioned case has been initiated allegedly on the ground of pilferage. The petitioner was served with a copy of the provisional assessment order and thereafter the final assessment order has also been passed foisting the liability to the extent of Rs. 4,17,952/-. According to the petitioner, he had paid a sum of Rs.2,08,976/- to the Calcutta Electricity Supply Corporation Limited and has also challenged the final assessment order by way of an appeal, which was delayed by two days.

Since the Appellate Authority refused to condone the delay, a writ application has been filed and likely to be listed shortly.

The State opposes the prayer for anticipatory bail.

After perusing the materials available on record and the fact that though the meter has been sent for testing and considerable time has been elapsed in the meantime, yet the report has not been received, we do not find that custodial interrogation of the petitioner is required.

The prayer for anticipatory bail is thus allowed.

Accordingly, in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer of the concerned police station and on condition that he shall co-operate with the investigation and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail, being CRM 1120 of 2021, is thus **disposed of**.

(Harish Tandon, J)

(Subhasis Dasgupta, J.)