

14.06.2021
Court No.28
Item No. 27
Krishnendu
Allowed

**CRM 2323 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In Re : **Khitish Chandra Biswas**

Petitioner

Mr. Indranil Halder

For the Petitioner

Mr. Anwar Hossain

Mr. Suman De

For the State

Ms. Sreyashee Biswas

For the CESC

Apprehending arrest in connection with Belghoria Police Station Case No. 584 of 2020 dated 06.11.2020 under sections under sections 135/138 of the Electricity Act, 2003, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that the petitioner earlier preferred a writ petition before this Court, being WPA 10296 of 2020, seeking restoration of his disconnected supply. The said writ petition was disposed of by an order dated 15th February, 2021 directing the petitioner to pay 50% of Rs. 2,29,793/- . By the said order, the petitioner was also permitted to prefer a statutory appeal against the final order of assessment. Pursuant to the said order, 50% of the assessed amount had already been paid by the petitioner on 18th February, 2021 and an appeal has also been preferred by the petitioner against the final order of assessment. In the said

conspectus, custodial interrogation/ detention of the petitioner is not necessary.

Ms. Biswas, learned advocate appears on behalf of the CESC and opposes the petitioner's prayer. However, she could not dispute the fact that 50% of the assessed amount had been paid by the petitioner.

Mr. Hossain, learned advocate appears on behalf of the State.

Heard the learned advocates appearing for the respective parties.

It appears that pursuant to the order dated 15th February, 2021 in WPA 10296 of 2020 , 50% of the assessed amount has already been paid by the petitioner and an appeal has also been preferred against the final order of assessment. In the said conspectus, we are of the opinion that custodial interrogation/detention of the petitioner is not warranted.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Khitish Chandra Biswas**, 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 and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM No. 2323 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Kausik Chanda, J)

(Tapabrata Chakraborty, J)