

CRM 8707 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Duryadhan Ghosh**

..... petitioner

Mr. Uday Sankar Chattopadhyay
Mr. Santanu Maji

.....For the petitioner

Ms. Kum Kum Mitra

.....For the State

Mr. Aniket Mitra

.....For the distribution company

Apprehending arrest in connection with Mongolkote Police Station Case No. 154 of 2021 dated 29.07.2021 under Section 135(1)(a) of the Indian Electricity Act, 2003, the present application has been preferred.

Mr. Chattopadhyay, learned advocate appearing for the petitioner submits that challenging the order of provisional assessment, the petitioner preferred a writ petition in which the Hon'ble Court arrived at a *prima facie* finding in favour of the petitioner. The authorities are yet to file any affidavit-in-opposition pursuant to the direction as issued. The petitioner is a poor farmer and he has been falsely implicated and the provisional assessment order is without jurisdiction.

Mr. Mitra, learned advocate appearing for the distribution company opposes the petitioner's prayer and submits that the provisional assessment amount is Rs.2,46,776/-.

Mr. Mitra, learned advocate enters appearance on behalf of the State.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

It appears that operation of the provisional assessment order has not been stayed by the Hon'ble Court in the writ petition and that the petitioner has not yet paid the amount as provisionally assessed. In view thereof, we are not inclined to exercise any discretion in favour of the petitioner.

The application CRM 8707 of 2021 is, accordingly, dismissed.

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

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)