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C.R.M. (SB) 103 of 2023

In Re: An application under Section 439 of the Code of Criminal Procedure, 1973 filed in connection Maniktala Police Station Case No.99 of 2023 dated 04.05.2023 under Section 379 of the Indian Penal Code read with Section 136 of the Electricity Act, 2003;

Bivas Paul
Versus
The State of West Bengal and another

Mr. Sayan De,
Mr. Sayan Kanjilal,
Mr. Kaustav Shome.
...for the petitioner.
Mr. Shiladitya Banerjee.
...for the State.
Ms. Shreyashee Biswas.
...for the CESC.

The petitioner was arrested in connection with the instant case on 4th May, 2023.

Mr. De, learned advocate appearing for the petitioner submits that the subject matter of theft has already been recovered from the shop of the petitioner which is regularly run for accepting unusable waste goods.

Ms. Biswas, learned advocate appearing for the CESC Authorities submits that the fuse which has been seized is not reusable and the Authorities have suffered loss to the tune of Rs.56,000/-. Learned advocate emphasises on the factum of depositing some money towards the loss sustained by the CESC Authorities and opposes the prayer for bail.

Mr. Banerjee, learned advocate appearing for the State submits that two persons have been arrested in connection with the

instant case and the goods have been recovered from the possession of the present petitioner.

Having considered the factum that further search and seizure is not required in connection with the instant case, I am of the view that further detention is unwarranted. Accordingly, the prayer for bail of the petitioner is allowed.

Thus, the petitioner namely, Bivas Paul shall be released on bail upon furnishing bond 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 learned Special Court (E.C. Act)-Cum learned Additional District and Sessions Judge, Alipore, South 24 Parganas.

If on bail the petitioner shall meet with the Investigating Officer of the case once in a week till further orders. The petitioner shall make himself available at each and every date fixed by the court. The petitioner shall not leave the jurisdiction of Maniktala Police Station except for the purposes of attending the court or for the Police Station.

Accordingly, CRM (SB) 103 of 2023 is allowed.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)

