

07.07.2023

Item No.10

Ct.No.34

dc.

C.R.M. (SB) 128 of 2023

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Belgharia Police Station Case No. 209 of 2021 dated 23.03.2021 under Sections 135/138 of the Electricity Act, 2003.

And

In Re : **Sahazada @ Chokh Kana @ Imran Khan**

... Petitioner.

Mr. Angshuman Chakraborty,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Mr. S. S. Saha

... For the Petitioner.

Mr. Narayan Prasad Agarwala,
Mr. Chittaranjan Ghosh

... For the State.

Mr. Kaushik Gupta,
Ms. Sreyashee Biswas

... For the CESC.

Photostat copy of Bill submitted by Mr. Chakraborty, learned advocate appearing for the petitioner and Report dated 07.07.2023 submitted by Mr. Gupta, learned advocate appearing for the CESC authority be kept on record.

The bill submitted by Mr. Chakraborty, learned advocate for the petitioner, reflects deposit of a sum of Rs.25,000/- which has been made with the CESC authority.

Mr. Gupta, learned advocate appearing for the CESC authority, on the other hand, opposes the prayer for bail and submits that initially bail was granted to the petitioner subject to condition that he would deposit a sum of Rs.2,00,000/-. However, after paying Rs.50,000/-, this person evaded the process of law and thereafter, the complainant/CESC authority preferred an application for

cancellation of bail. Learned advocate has referred to an order dated 14.09.2022 wherein warrant of arrest was issued by the learned Special Court against the present petitioner. Pursuant to the said warrant being executed, the petitioner has been taken in custody.

The petitioner is presently detained for about 30 days. The order dated 14.09.2022 does not reflect that the application for cancellation of bail, which was filed at the instance of the CESC authority, was disposed of and it weighed with the court regarding non-payment of the amount which was initially directed to be paid at the time when the petitioner was granted bail. The order, *prima facie*, reflects that the present accused/petitioner was evading the process of the court and that is why warrant of arrest was issued against him.

Be that as it may, the petitioner has deposited a sum of Rs.25,000/- pursuant to the earlier commitment made before this Court and he is in custody for about 30 days. Having regard to the period of detention, I am inclined to release the petitioner on interim bail subject to the condition that the bail would be confirmed by the learned Special Court on such terms and conditions as the learned Special Court deems fit and proper.

The amount/quantum of the bond and confirmation of the bail of the petitioner would also be decided by the learned Special Court.

The application for bail, being CRM (SB) 128 of 2023, is, thus, disposed of.

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 with all requisite formalities.

(Tirthankar Ghosh, J.)