

01.09.2023
Serial no. 1
[G.S.D]

CRM (SB) 173 of 2023

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with Belur P.S. FIR No. 272 of 2022 (Electricity Case No. 355/22) dated 28.11.2022 under section 135 and section 138 of the Electricity Act.

-And-

In the matter of : Sagar Shaw

... .. Petitioner

Mr. R. Singh
Mr. R. Roy
Ms. M. Soni

... .. For the Petitioner

Mr. Pravash Bhattacharya
Ms. Kum Kum Mitra

... ..*For the State*

Mr. Kaushik Gupta
Ms. Sreyashee Biswas

... for the CESC Ltd

The petitioner is in custody for about 40 days.

Learned Advocate for the petitioner submits that the petitioner has volunteered to deposit a sum of Rs.6 lakhs, which has been raised by the CESC Authorities, if sometime is granted to him.

Mr. Bhattacharya, Learned Advocate appearing for the State, has produced the Case Diary and opposes the prayer for bail.

Mr. Gupta, Learned Advocate appearing for the CESC Authorities, has placed the manner in which the calculation has been arrived at while assessing the bill.

Having regard to the fact that the petitioner has undertaken to pay the amount of Rs.6 lakh in three instalments, I direct that the petitioner be released on interim bail.

Accordingly, the petitioner viz, Sagar Shaw shall be released on interim 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/Learned Chief Judicial Magistrate, Howrah.

After being released on bail, the petitioner by 11th of September, 2023 would deposit a sum of Rs. 2 lakh with the CESC Authorities and file Affidavit along with the receipt with the Learned Special Court. The interim bail passed by this Court would be valid till 11th of October, 2023. By 11th October, 2023, it is directed that the petitioner will pay another instalment of Rs.2 lakh, when the Learned Special Court would thereafter extend the interim bail till 23rd of November, 2023. If, by 23rd of November, 2023 another sum of Rs. 2 lakh is paid by the petitioner, then, the Learned Special Court is directed to confirm the bail, which has been granted by this Court.

Any violation of the aforesaid conditions will automatically result in the Learned Special Court cancelling the bail without further reference to this Court.

Accordingly, CRM(SB) 173 of 2023 is partly allowed.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)