

09-10-2023
b.das
Item no.09
Allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 196 of 2023

Sanju Poddar @ Nandy
-vs-
The State of West Bengal & Anr.

In Re: An application for bail under Section 439 of the code of Criminal Procedure, 1973 filed on 27th September, 2023 in connection with Howrah Police Station FIR No. 519 of 2022 dated 26.11.2022 under Sections 135 (1A)/138 of the Electricity Act, 2003.

Mr. Rishabh Ahmed Khan	
Mr. Sourav Guchhait	
	...for the petitioner.
Md. Anwar Hossain	
Ms. Benajir Hasna	...for the State.
Mr. Kaushik Gupta	
Mr. Anirban Tarafdar	
Mr. Soheb Tudu	...for O.P.No.2.

Learned counsel for the petitioner submits that the petitioner is in custody for more than 26 days.

Earlier he was arrested and implicated in Shibpur P.S. Case No.412 of 2022 dated 09.12.2022 under the provisions of Electricity Act, at the relevant point of time.

The present case being Howrah Police Station FIR No.519 dated 26.11.2022, he was arrested in the month of September, 2023.

Mr. Gupta learned counsel appearing for the opposite party No.2 submits that the petitioner is a habitual offender and till date he has not deposited a farthing. There are materials against the petitioner in connection with the Shibpur P.S. case.

Mr. Anwar Hossain learned counsel for the State submits that

having regard to the conduct of the present petitioner, he should not be released on bail at this stage.

So far as the other accused persons, according to the State, they are absconding.

Having regard to the fact that the petitioner was earlier arrested and he was released on bail and the godown is belonging to others and according to the present case, the petitioner was involved in charging batteries for which the electricity consumption took place. Until and unless the CESC authorities are able to make out a case so far as the relationship between Kamal Agarwal and the present petitioner is concerned, I am of the opinion that at this stage further detention of the petitioner is not warranted.

As such, prayer for bail of the present petitioner is allowed.

Accordingly, the petitioner shall furnish a bond of Rs.10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the Learned Special Court (Electricity Act) Howrah cum Additional Sessions Judge, 4th Court, Howrah.

While on bail, the petitioners would abide by the following conditions :-

1. The petitioner after being released shall meet with the Investigating Officer of the case once in a week till submission of the chargesheet.
2. The petitioner shall inform his address and in case he changes his address, he would immediately inform the learned Special Court and the Investigating Officer of the

case. In the alternative, the bond furnished by him shall be automatically cancelled without any further reference to this court.

3. The petitioner shall not leave the jurisdiction of Howrah Police Station except for the purpose of attending the court without prior permission of the learned Special Court.

Accordingly, the application for bail being CRM (SB) 196 of 2023 is allowed.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J.]