

03-01-2023
Subha
Item no.01
allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 301 of 2022

Parvez Alam & Anr.
-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 22nd December, 2022 in connection with Shibpur Police Station Case No. 412 of 2022 dated 09.12.2022 under Sections 135/138/149 of the Electricity Act, 2003.

Mr. Rishabh Khan
Mr. Sourav Guchhait

...for the petitioners.

Mr. Anirban Tarafder

... for the CESC.

The petitioners are in custody for the last 24 days. It has been submitted on behalf of the petitioners that they are not connected to the premises and have been falsely implicated in connection with the instant case.

Additionally, it has been prayed considering the period of detention, the petitioners may be released on bail.

Let the vakalatnama filed by the learned advocate appearing for the CESC be kept on record.

Learned advocate for the CESC appears and opposes the prayer for bail of the petitioners.

It has been submitted that the provisional bill is to the extent of Rs.59 lakh and the same has been raised against M/s. Atlas System, the proprietor of which happens to be one Surendra Prosad

Choudhary.

The complicity of the petitioners according to the learned advocate appearing for the CESC is that they were present at the spot and were involved in charging the batteries of their vehicle.

It has further been submitted that petitioner no.2 has similar antecedents of pilfering with electricity.

None appears on behalf of the State of West Bengal.

Having considered the fact that the admitted position is that the provisional bill has been raised against one Surendra Prosad Choudhary of Atlas System and the subject matter of the case relates to recovery of the revenue which have been suffered by the CESC Authorities and there are no connected documents to reflect regarding the association of these persons with the ownership of the property or the firm, prima facie, I am of the opinion that although a case has been made out under the relevant sections, but their further detention is unwarranted.

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

Accordingly, the petitioners shall furnish a bond of Rs.10,000/- (Rupees ten thousand only) each 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 petitioners after being released shall meet with the Investigating Officer of the case once in a week till

submission of the chargesheet.

2. The petitioners shall inform their address and in case they change their address, they would immediately inform the learned Special Court and the Investigating Officer of the case. In the alternative, the bond furnished by them shall be automatically cancelled without any further reference to this court.
3. The petitioners shall not leave the jurisdiction of Shibpur Police Station except for the purpose of attending the court without prior permission of the learned Special Court.

With the aforesaid observations, the application for bail being CRM (SB) 301 of 2022 is disposed of.

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]

