

24.06.2024
Court No.29
Item No. 41

Allowed

TN

CRM (A) 1963 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 339 of 2024 dated 19.04.2024 under Sections 135(i)(a) and 135(i)(b) of the Indian Electricity Act.

And

In Re: **Abdul Rahaman**

.....Petitioner.

Mr. Sk. Saifuddin

For the Petitioner.

Mr. Dipankar Paramanick

For the State

Mr. Aniket Mitra

For the WBSEDCL

1. The learned Counsel for the petitioner submits that the petitioner is innocent and the provisional assessment raised by the West Bengal State Electricity Distribution Company Limited is inflated and arbitrary.
2. The learned Counsel for the State as well as the *de facto* complainant have submitted that there are clinching evidence of hooking.
3. The learned Counsel for the *de facto* complainant has further submitted that on 19th April, 2024 the provisional assessment to the tune of Rs.53,531/- exclusive of all government duties was raised against the petitioner and since the petitioner has not filed any objection, the said assessment was made final. There is nothing on record also to show that the petitioner has preferred a statutory appeal against the said assessment order.

4. The learned Counsel for the petitioner further submitted that the petitioner without prejudice shall deposit a sum of Rs.25,000/- with the Assessing Officer within two weeks from date and may be allowed to prefer an appeal against the final assessment.
5. Considering the materials available in the case diary, the nature of complaint, the involvement of the petitioner in the commission of alleged offence and also having regard to the fact that charge sheet has already been filed, we are of the view that the custodial interrogation of the petitioner is not necessary.
6. Accordingly, we direct that in the event of arrest the petitioner namely, **Abdul Rahaman**, shall be released on bail upon furnishing a bond of Rs.5,000/-, with one surety of like amount, to the satisfaction of the Arresting Officer with the further condition that the petitioner shall deposit Rs.25,000/- with the Assessing Officer within two weeks from date and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The petitioner shall appear before the learned Judge, Special Court, Electricity Act, District-Malda within three weeks from date and thereafter shall appear on each and every date as and when required.
7. In the event the petitioner fails to appear before the trial court without justifiable cause and fails to comply with any of the aforesaid conditions, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
8. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
9. CRM (A) 1963 of 2024 is, thus, disposed of.

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

(Soumen Sen, J.)

(Uday Kumar, J.)