

02.07.2024

Court No.29

Item No. 33

Allowed

ar

CRM (A) 2035 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Noapara Police Station Case No. 83 of 2024 dated 29.05.2024 under Sections 135/138 of the Electricity Act, 2003.

And

In Re: **Munna Kumar Shaw**

Petitioner

Mr. Bidyut Kumar Halder

Mr. Indranil Halder

For the Petitioner

Ms. Sonali Das

Mr. Saptarshi Chakraborty

For the State

Ms. Sreyashee Biswas

For CESC Ltd.

1. Learned counsel for the petitioner submits that the petitioner shall deposit 50% of the amount provisionally assessed by CESC Ltd. within one week from date.
2. Learned counsel for the CESC Ltd. submits that the final assessment is yet to be concluded and the petitioner shall be directed to cooperate in this regard.
3. Considering the materials available in the case diary and the fact that the petitioner has agreed to deposit 50% of the amount provisionally assessed by CESC Ltd. within one week from date and shall cooperate with the CESC Ltd. to complete their final assessment, we are of the view that custodial interrogation of the petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioner namely, **Munna Kumar Shaw** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, subject to

the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall meet the Investigating Officer once in a week or as and when called for till the submission of the final report and on further condition that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Barrackpore within two weeks from date in connection with Noapara Police Station Case No. 83 of 2024. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

5. The statutory right of appeal against the final assessment is not, however, affected by this order.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
7. 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)