

09.7.2024
SL No.61
Ct No. 29
SB

CRM (A) 2274 of 2024

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Panrui Police Station Case No. 37 of 2024 dated 07.3.2024 under Section 135(1)(a) of the Electricity Act, 2003.

And

Mihir Kumar Mondal @ Mihir Mondal

Vs.

The State of West Bengal & Anr.

Mr. Saiful Ali ... for the petitioner.

Mr. Atif Ahmed Siddiqui ... for the State

Mr. Aniket Mitra, ... for WBSEDCL

1. Learned counsel appearing for the petitioner submits that a false complaint has been lodged implicating the petitioner. However the petitioner is willing to deposit 50% amount of the finally assessed without prejudice to the rights and contention and prefer a statutory appeal against the said order of final assessment.
2. Learned advocates appearing for the State and de facto complaint submitted that it is a case of direct hooking for agricultural purpose.
3. Considering the materials available in the case diary and having regard to the fact that the petitioner is willing to deposit 50% amount of the finally assessed of 02.5.2024, we are of the opinion that custodial interrogation is not necessary. Moreover, charge-sheet has already been submitted.
4. Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.5,000/- each, with two registered sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject

to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the present petitioner shall appear before the learned Additional District and Sessions Judge, 3rd Court, Birbhum at Suri (Special Court Electricity Act, 2003) within two weeks from date and pray for regular bail.

5. The petitioner shall deposit 50% amount of the finally assessed within two weeks from date. In the event, the statutory appeal is preferred this order shall not stand in the way and the statutory appeal shall be decided without being swayed by any observation made in the order impugned.
6. It is further directed that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.
7. Accordingly, the application for anticipatory bail is disposed of.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Uday Kumar, J.)

(Soumen Sen, J.)