

11.07.2024

Court No.29

Item No. 35

Allowed

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CRM (A) 2335 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Asansol(South) Police Station Case No. 396 of 2022 dated 27.09.2022 under Sections 135(1)(b)/135(1)(d) the Electricity Act, 2003.

And

In Re: Arabinda Das

Petitioner

Mr. Kunal Ganguly

Mr. Kaustav Banerjee

For the Petitioner

Mr. Subrata Roy

Mr. Ratul Ghosh

For the State

Ms. Sreyashee Biswas

For WBSEDCL

1. Learned counsel for the petitioner submits that the petitioner shall deposit 50% of the amount provisionally assessed by WBSEDCL within one week from date.
2. Learned counsel for the WBSEDCL submits that the final assessment is yet to be concluded and the petitioner may 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 WBSEDCL within one week from date and shall cooperate with the investigation, 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, **Arabinda Das** 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 Special (Electricity Act) Cum ADJ, Asansol, within two weeks from date in connection with Asansol(South) Police Station Case No. 396 of 2022. 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 if preferred by the accused, however, shall not be affected by this order. This decision shall not affect the right of the accused to raise objection during final assessment.
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)

(Sugato Majumdar, J)

