

11.07.2024
SL No. 22
Court No.29
TN
(Allowed)

CRM (A) 2322 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Pathar Patima Police Station Case No. 211 of 2024 dated 11.06.2024 under Sections 135(1)(a) and 135(1)(b) of Electricity Act, 2003.

And

In the matter of : **Swarup Adak and others.**

- petitioners.

Mr. Radhasyam Maiti,
Mr. Sandip Kundu,
Mr. Manaranjan Jana,
Ms. Mitali Jana

.... for the petitioners.

Mr. Aniket Mitra

....for the WBSEDCL

Mr. Atif Ahmed Siddiqui

... for the State.

1. The learned counsel for the petitioners submits that without prejudice to their rights and contentions each of the petitioners shall deposit fifty per cent of the provisionally assessed amount separately for each of the petitioners within two weeks from date.
2. We have heard leaned counsel for the Distribution Company and the State.
3. Considering the materials available in the case diary and the fact that each of the petitioners are now willing to deposit fifty per cent of the provisionally assessed amount, we are inclined to grant anticipatory bail to the petitioners.
4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Swarup Adak, Gopal Giri, Sri Srimanta**

Middy, Sujan Shit and Subhash Patra shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two 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.

5. The petitioners shall meet the Investigating Officer of the case as and when directed till submission of the final report.
6. It is further directed that the present accused petitioners shall appear before the learned Special Judge (Electricity) Court within two weeks from date and pray for regular bail.
7. We make it clear that we have not gone into the merits of the claims of the Distribution Company and it will be open to the petitioners to challenge the provisional assessment amount in accordance with law.
8. Accordingly, the application for anticipatory bail is disposed of.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Sugato Majumdar, J.)