

15.7.2024
SL No.54
Ct No. 29
SB

CRM (A) 2403 of 2024

In Re : An application for anticipatory bail under Section 482 of the of the Bharatiya Nagarik Suraksha Sanhita 2023; under Section 438 of Code of Criminal Procedure filed in connection with Rishra Police Station Case No. 144 of 2024 dated 24.6.2024 under Section 135 / 138 of the Electricity Act, 2003.

And

Smt. Dipti Mukherjee & Anr.

Vs.

The State of West Bengal & Anr.

Mr. Amitabha Ghosh	
Mr. Nabanita Chatterjee	
Ms. Arpita Dhar	... for the petitioners.
Mr. Anindya Sundar Chatterjee	... for the State
Ms. Sreyashee Biswas	... for CESC

1. Learned counsel appearing for the petitioners submits that a false complaint has been lodged implicating the petitioners. However, the petitioners are willing to deposit 50% amount of the finally assessed within two weeks from date without prejudice to the rights and contention and shall file 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.
3. Considering the materials available in the case diary and having regard to the fact that the petitioners are willing to deposit 50% amount of the finally assessed within two weeks from date, subject to its rights for filing statutory appeal, 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 petitioners shall appear before the learned 3rd Additional District and Sessions Judge-cum-Electricity Tribunal, Hooghly at Chinsurah 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.)