

Court No. 29
(266041)

CRM (A) 2564 of 2024

30.07.2024

(AD 104)

(S. Banerjee)

(Allowed)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Topsia Police Station Case No. 65 of 2024 dated 14.05.2024 under Sections 135 and 138 of the Electricity Act, 2003, pending before the learned Judge, Special Court (E.C. Act)-cum-Additional District & Sessions Judge, Alipore, South 24 Parganas (Electricity Act Case No. 437/2024).

And

In the matter of: Mohammad Sajid @ Md. Sajid
...petitioner

Mr. Manas Kumar Das
... for the petitioner
Mr. Manoranjan Mahata
... for the State
Ms. Sreyashee Biswas
... for the CESC Ltd.

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% of the finally assessed amount 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 advocate appearing for the State and de facto complainant 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 petitioner is willing to deposit 50% of the finally assessed amount 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/- 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, corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. It is further directed that the present petitioner shall appear before the learned Special Judge, E. C. Act, Alipore within two weeks from date and pray for regular bail.
5. The petitioner shall deposit 50% of the finally assessed amount 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 petitioner in court including cancelling the

anticipatory bail granted, without further reference to this court.

7. Accordingly, the application for anticipatory bail is allowed.
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.)