

18.09.2024
Court No.29
Item No.15

Allowed

TN

CRM (A) 3327 of 2024

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, 2023 filed in connection with Dholahat Police Station Case No. 474 of 2024 dated 14.08.2024 under Section 135(1)(a) of the Electricity Act, 2003 as amended up to date.

And

In Re: **Samsur Zamain Gazi and another**
petitioners

Mr. Khairul Alam	for the petitioners
Mr. Pravas Bhattacharya, Ms. Sima Biswas	for the State
Mr. Aniket Mitra	for the WBSEDCL

1. Heard the learned counsel appearing for the parties.
2. The learned counsel for the petitioners submits that the provisional assessment is without jurisdiction and he has raised objection with regard to such assessment.
3. Learned counsel for the petitioners undertakes that the petitioner no.1 shall deposit 50% of the final assessed amount and the petitioner no.2 shall deposit 10% of the provisional assessed amount by WBSEDCL within four weeks from date.
4. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation and nature of offence, it is directed that the petitioners shall be released on bail in the event of their arrest by the learned Sub-Divisional Judicial Magistrate, Kakdwip, District-South 24

Parganas, in the aforesaid P.S case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that :

- i. On payment of the 50% of the final assessed amount by the petitioner no.1 and 10% of the provisional assessed amount by the petitioner no.2 as undertaken, a copy of the receipt thereof duly authenticated by the petitioners or their advocate shall be filed before the Court in seisin over the matter within 15 days of the deposit.
 - ii. If the petitioners fail to comply the aforesaid condition, the liberty of anticipatory bail granted today shall be cancelled without reference to the Bench.
5. The petitioners are directed to appear before the I.O within two weeks from today along with a server copy or certified copy of this order.
 6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
 5. The learned Sub-Divisional Judicial Magistrate, Kakdwip, District-South 24 Parganas is hereby directed to act upon the server copy of this order, if required.
 6. We make it clear that this order shall not be treated as acceptance of the amount by the petitioners. All legal points regarding the adjudication are left open.
 7. This order is without prejudice to the rights and contentions of the petitioners in the pending proceeding.

8. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)