

18.01.2024
Item No.40(D/L)
Ct.No.29
dc./srm
Allowed

C.R.M. (A) 4422 of 2023

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Nadial Police Station Case No. 84 of 2023 dated 30.05.2023 under Sections 135/138 of the Electricity Act, 2003 and Section 9 of the West Bengal Maintenance of Public Order Act, 1972.

And

In Re : **Md. Ishtiaque Khan @ Md. Istayak Khan**
... Petitioner.

Mr. Pinaki Bhattacharyya,
Mr. Amartya Mohan Bhattacharyya ... For the Petitioner.

Ms. Sreyashee Biswas ... For the CESC.

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023 passed by the Coordinate Bench.

By such order, an interim anticipatory bail was granted to the petitioner.

It is submitted at the bar that such order was passed without considering the materials in the case diary and in view of the ensuing puja vacation.

Subsequent to the order dated January 3, 2024, the petitioner went to deposit the amount on January 16, 2024 when CESC authorities did not accept payment.

Since CESC authorities did not accept the payment, question of non-compliance does not arise.

In such circumstances, we confirm the interim order dated October 16, 2023.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, 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 and on further condition that the petitioner will report before the Investigating Officer as and when called for till the conclusion of the investigation and on condition 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 the presence of the petitioner in court including cancelling the anticipatory bail granted without further reference to this Court.

The application for anticipatory bail is, thus, allowed.

CRM(A) 4422 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)