

10.02.2025
Sl. No.20
akd
[Rejected]

C. R. M. (A) 412 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 31.01.2025 in connection with Balurghat Police Station Case No.33 of 2025 dated 16.01.2025 under Sections 316(2)/318(4)/316(5)/3(5) of the Bharatiya Nyaya Sanhita, 2023. (G.R. Case No.101 of 2025)

And

In Re: ***Dhrubajyoti Sarkar***

... .. Petitioner

Mr. Habibur Rahaman
Mrs. Karabi Roy
Mr. Archisman Singh

... .. for the petitioner

Ms. Subhasree Patel
Mr. Asraf Mandal

... .. for the State

1. It is submitted on behalf of the petitioner that he is an office executive attached to Patiram Customer Care Centre, West Bengal State Electricity Distribution Company Limited at Balurghat, Dakshin Dinajpur. Petitioner contends neither had he demanded or received any bribe from the complainant. He has been falsely implicated. Accordingly, he prays for anticipatory bail.
2. Learned Additional Public Prosecutor opposes the prayer for anticipatory bail and submits petitioner was a member of the raiding party who went to the de-facto complainant's agricultural field and recovered the water pump as he was illegally utilizing electricity to run the pump. Thereafter one of them viz. Priyam Sarkar demanded a sum of Rs.40,000/- *in lieu* of returning the pump. The said money was paid. De-facto complainant brought it to the notice of the Station Manager who had lodged the complaint.

3. We have considered the materials on record. Petitioner is a public servant. During discharge of his official duties, he went to the de-facto complainant's land and seized a water pump which was being run by illegally drawing electricity. Thereafter, bribe was demanded from the de-facto complainant for return of the water pump. It is contended petitioner had not demanded the bribe. However, nothing is placed on record to show petitioner had reported the fact that his colleague had demanded bribe and the pump handed over upon the bribe being paid. This prima facie discloses involvement of the petitioner as a conspirator to the demand and receipt of bribe by his colleague. Hence, we are not inclined to grant anticipatory bail to him.

4. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)