

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 3227/2000

(From the judgement and order dated 14/07/2000 in CRLM 14426/00
of The HIGH COURT OF PATNA)

CHAKRAWARTI PRASAD

Petitioner (s)

VERSUS

STATE OF BIHAR

Respondent (s)

(With Appln(s). for for anticipatory bail)
(With Office Report)

Date : 04/12/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Dr. Rajeev Dhawan, Sr. Adv.
Mr. S.D. Sanjay, adv.
Mr. K.G. Kochhar, adv.
Mr. Ajit Kumar Sinha, Adv.

For Respondent (s) Mr. B.B. Singh, Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.J
.SP2

Leave granted.
Appeal is disposed of.

.SP1 (Suman Wadhwa) (H.K. Bhatia)
PA to Adtl. Repr. Court Master

Signed order is placed on the file.

.PA
.PL55

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2000@@

Chakrawarti Prasad ... Appellant

vs.

State of Bihar ... Respondent

ORDER@@
CCCCC

.....L.....I.....T.....T.....T.....T.....T.....T.....T.J
.SP2

Leave granted.

We were not initially inclined to interfere with the order passed by the High Court because it was passed in the discretion of the High Court. But Dr. Rajiv Dhawan, learned senior counsel, under instructions, submitted that the appellant would deposit the amount of electricity charges of the power alleged to have been pilfered. Mr. B.B.Singh, learned counsel for the respondent worked it out to be more than a crore of rupees. We are not at present interested in fixing up as to the precise amount due from the appellant. If the charges of electricity alleged to have been pilfered can be worked out even for a period of six months, it may even cross the figure of 40 lakhs of rupees, according to the counsel. Dr. Rajiv Dhawan pointed out that appellant has already remitted Rs.20 lakhs pursuant to the order passed by the High Court.

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Considering all aspects we think that anticipatory bail can be granted to the appellant on a condition that he should remit a sum of rupees 21 lakhs within a period of six months. If he remits one-third of that amount within one month from today he shall be released on bail. We permit him to surrender before the court concerned on or before the expiry of one month from today after remitting seven lakhs being the first instalment and the court shall release him on bail on his executing a bond with two solvent sureties, provided he would give an undertaking to the court that within next 3 months thereafter he would remit a further sum of Rs.7 lakhs and yet another sum of Rs.7 lakhs will be remitted within 3 months thereafter. We make it clear that if the appellant fails to remit any one of the instalments he shall forfeit the benefit granted to him by this order. The amount deposited will be without prejudice to the contentions of the rival parties and subject to the adjustment to be made at the final end. We stay his arrest for a period of one month from today to enable him to comply with the condition mentioned above.

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The appeal is disposed of accordingly.

.SP1

.....J.
(K.T. Thomas)

New Delhi;
December 4, 2000.

.....J.
(R.P.Sethi)