

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1020 of 2016

- Abdul Majid Hasmi S/o Sheikh Ismail Aged About 70 Years R/o Manpur, Surajpur, Police Station, Tahsil & District - Surajpur Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Station - Surajpur, District - Surajpur Chhattisgarh
2. Chhattisgarh State Electricity Distribution Company Ltd. Surajpur, Through Its Assistant Engineer, District - Surajpur Chhattisgarh

---- **Respondent**

For Applicant : Mr. Anil Gulati, Advocate

For Respondent No.1/State : Mr. Anant Bajpai, Panel Lawyer.

For respondent No.2 : Ms. S. Harshita, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22-12-2016

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Special Criminal Case No. 02/2016 registered at Police Station Surajpur, District Surajpur (CG) for offence punishable under Section 135 of Chhattisgarh Electricity Act.
2. As per case of the prosecution, inspection was made in the house of the applicant on 18-3-2015 and it was found that the applicant has bypassed the electricity meter by hooking the electricity wire and used electricity for which amount of Rs.1,31,514/- of electricity bill was raised.
3. Learned counsel appearing for the applicant would submit that in fact on 17-3-2015 Preet Lal and two others entered into the house

of the applicant and demanded money to settle the disputed amount of bill which would have been raised and on that count there has been a dispute for which applicant has made a report to different authorities. Consequently, false complaint has been filed. He would further submit that without prejudice to the rights of applicant, he is ready and willing to deposit 50% of bill amount of Rs.1,31,514/- within two months from passing the date of order. He would further submit that the applicant is aged about 72 years, therefore, considering all the facts and circumstances of the case, benefit of Section 438 of Cr.P.C., may be extended to the present applicant.

4. Learned State counsel as well as learned counsel for the objector do not dispute the submission of the applicant that if the applicant shall deposit 50% of the bill amount of Rs.1,31,514/- which has been raised towards electricity bill without prejudice to his rights.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Considering the facts and circumstances of the case, further considering the submission made by the applicant that he is ready to deposit 50% of the bill amount within two months and further considering the age of the applicant who is shown to be 72 years, I am of the considered opinion, *prima facie*, that it is a fit case where the benefit of Section 438 of the Cr.P.C., can be extended to the applicant.
7. Accordingly, the bail application filed under Section 438 of the Cr.P.C., is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a

personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer.

The applicant shall also abide by the following conditions:

- (i) that the applicant shall appear before the Court of Special Judge (Electricity Act) before whom the private complaint is pending, within a period of fifteen days and shall furnish bail for the amount as may be fixed by the Special Judge
- (ii) that the applicant shall regularly appear before the Special Judge and co-operate in the quick disposal of the private complaint.
- (iii) that the applicant shall not directly or indirectly make any inducement, threat or promise, to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer on enquiry.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju