

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1854 of 2017**

1. Taplal S/o Tukaram Kannouje Aged About 39 Years R/o Village Farhada, Police Station Kharora, District Raipur, Chhattisgarh.
2. Dhan Singh S/o Nakul Satnami Aged About 43 Years R/o Village Bohardih, Police Station Arang, District Raipur, Chhattisgarh.

**---- Applicants****Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Arang, District Raipur, Chhattisgarh.

**---- Respondent**


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| For applicants       | Mr. Rajesh Tiwari, Adv. |
| For Respondent/State | Mr. Arvind Shukla, PL   |

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****03/04/2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No. 81/2017 registered in PS Arang, Distt. Raipur (CG) for offence punishable under Section 379 of the IPC and Section 135 and 140 of the Electricity Act. After investigation, charge sheet has been filed and the same is pending before the Special Judge under Electricity Act, 2003/1st Additional Sessions Judge, Raipur as Criminal Case No. 38/2017. The applicants are languishing in jail since last 1 and half month. As per allegation they have committed the theft of electricity energy for about Rs. 5,000/- only. Section 379, IPC is not applicable in the matter after enactment of Electricity Act, 2003 and under Section 135 of the Electricity Act, 2003, punishment may be extended for imprisonment upto 3 years or with fine or with both and offence under Section 140 of the Act of 2003 is punishable with fine only which may extend to Rs. 10,000/- only. They are first offender. They will not commit any similar offence in future. Therefore, they may be granted bail.

3. Per contra, learned State counsel opposed the bail application however fairly submits that no criminal antecedents is reported in the case diary against the applicants.
4. Perused the material available.
5. On due consideration, I am inclined to allow the application. Consequently, instant MCRC is allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety of the like sum to the satisfaction of the trial Court i.e. Special Judge under Electricity Act, 2003 for their appearance before the said trial Court till disposal of the trial regularly as and when directed by the said Court.
6. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this court or the Hon'ble Apex Court Court intentionally, (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature: (iv) the trial Court finds that the applicants remain absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.
7. CC as per rules.

**Sd/-**  
**(Chandra Bhushan Bajpai)**  
**Judge**