

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 222 of 2017**

- Bhupendra Singh Chatriya S/o Late Jai Narayan Singh Chatriya, Aged About 52 Years R/o Gram Jashpur Nagar, Tehsil Jashpur, District Jashpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Jashpur, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Maneesh Sharma, Advocate
For Respondent/State	: Shri Ashok Swarnakar, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****28.4.2017**

1. Heard the matter finally.
2. This is an application filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with crime No.41/2017 registered at Police Station Jashpur, District Jashpur (CG) for the offence punishable under Section 138 of the Electricity Act, 2003 (for short the Act of 2003).
3. Learned counsel for the applicant submits that the applicant is Testing Assistant Grade-I in Chhattisgarh State Electricity

Distribution Company Limited, Jashpur residing behind the Sub-Station at the departmental residence. Against the applicant there was a demand regarding the illegal consumption of electrical energy assessed as Rs. 81,455/-. On a notice given dated 7.3.2017, the applicant had deposited the said amount before the company on 8.3.2017. There is no instrument or material seized from the possession of the applicant. They are earlier and also presently lying with the company. Custodial interrogation is not required in the matter and as per provision of Section 152 (3) of the Act of 2003 as soon as the applicant deposited the aforementioned amount, the company is duty bound to compound the matter. Hence, it is prayed that the instant MCRCA may be allowed and the applicant may be released on anticipatory bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that from the possession of the applicant 85 pieces electricity meters, 3 pieces street light and about 1500 meter service wire has been seized. Also the investigating authority noticed illegal consumption of the electricity. Panchanama was prepared and the applicant is the employee of the company, therefore, the bail application may be dismissed.

5. I have heard the counsel appearing for the parties and perused the material.

6. At this stage, learned counsel for the applicant would submit that the applicant intends to withdraw the instant MCRCA and intends to surrender before the Special Judge of the Electricity Act 2003, Jashpur (CG) defined under Section 155 of the Act of 2003 and intends to file an application under Section 439 Cr.P.C. after 3 days prior notice to Jashpur Police and the Special Judge of the Act of 2003 be directed to decide the said application on the same day, if possible.

7. As prayed, the instant MCRCA is disposed of as withdrawn without any appreciation on its merits. If the applicant gives 3 days prior notice to the Jashpur Police regarding his surrender before the Special Judge of the Act of 2003 and files application under Section 439 Cr.P.C., the Court below is directed to dispose of the matter after consideration of the procedural aspect same day if possible. The applicant may file copy of the order before the said court for information and compliance.

8. The MCRCA is disposed of as withdrawn.

Certified copy as per rules.

**Sd/
(Chandra Bhushan Bajpai)
JUDGE**