

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 397 of 2017

1. Banshidhar Khutiya S/o Kirtan Ram Khutiya Aged About 60 Years Caste - Mahkul, R/o Village- Ludeg (Sukhbasupara), Police Station Pathalgaon, District - Jashpur, Chhattisgarh.
2. Nitin Khutiya S/o Shekhar Khutiya Aged About 20 Years R/o Village - Ludeg, Police Station, Pathalgaon, District - Jashpur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station - Pathalgaon, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Awadh Tripathi, Advocate
For Respondent / State	:	Shri Lav Sharma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order On Board

16/06/2017

The applicants are apprehending their arrest in connection with Crime No.276/2016 registered at police station – Pathalgaon, Distt.- Jashpur (CG) for alleged commission of offences under Section 379 of IPC and Section 135, 138 of the Electricity Act.

2. This is a repeat application for grant of anticipatory bail.
3. Learned counsel for the applicant submits that there is a changed circumstance in the light of which, the present application has been moved. According to the counsel for the applicant, at the initial stage, the respondent / Electricity Department had issued a notice demanding Rs.2.4 lakhs for the alleged theft of electricity committed by the applicant. Subsequently, the said order was modified and penalty has been reduced to Rs.82,120/-. According to the applicant, he has subsequently deposited the entire amount as stated in the modified order of penalty. A copy of receipt of payment has also been enclosed along with the bail

application. It is also submitted that now, the electricity connection has also been restored by the Electricity Department. Therefore, it is prayed that the applicant may be granted anticipatory bail.

4. Learned State counsel, however, opposes bail application and submits that so far as the documents which have been filed by the applicant in respect of the modified penalty order as well as deposit of amount mentioned in the modified penalty order, he has no instructions and the same would be required to be verified.

5. Considering the facts and circumstances of the case and changed circumstances where penalty of Rs.2.4 lakhs has been reduced to Rs.82,120/-, which has already been deposited by the applicant and also taking note of the fact that electricity connection has been restored on 13/02/2017, this Court finds that a strong case is made out for grant of anticipatory bail.

6. Accordingly, this application is allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one surety for the like amount to the satisfaction of the arresting officer and they shall abide by all the following terms and conditions -

(i) that the applicants shall make themselves available for interrogation by a Police Officer as and when required;

(ii) that they 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 them from disclosing such facts to the Court or to any Police Officer.

(iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge