

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 434 OF 2017**

Shahabullah Hakimullah Ansari	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Momin Mohd. Farooque Nisar for the Applicant

Ms. Anamika Malhotra, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 21st AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks modification of the condition in para 3 clause 2(a) of the order dated 17th July, 2017 passed by the Additional Sessions Judge, Thane below Exhibit 1 in Criminal Bail Application No. 1779 of 2017. The modification of the condition which is sought is as under :

“2.

a] The applicant/accused shall pay the entire amount of theft of electricity involved in this offence, in the office of Toronto Power Company.”

3. Learned Counsel for the applicant submits that the applicant had never volunteered to deposit the amount of Rs. 7,44,609/-. He submits that as far as arrears of electricity bills are concerned, the same is a subject matter, which is pending before the Special Judge, Thane.

4. A perusal of the order dated 17th July, 2017, does not show that the applicant has himself volunteered to deposit the aforesaid amount of Rs. 7,44,609/- and under these circumstances, the learned Judge ought not to have directed the applicant to deposit the entire amount of electricity involved in the offence. Apart from the aforesaid, proceedings with regard to the amount of arrears of the electricity bills are pending before the Special Court.

5. Considering the aforesaid, the application is allowed and the condition of deposit mentioned in clause 2(a) is set-aside. Rest of the conditions imposed in the order dated 17th July, 2017, to remain as it is.

6. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.