

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 606 OF 2017

(Balkrushna Ramaji Mudholkar..vs..State of Maharashtra, through
PSO.PS.MSEDCL, Link Road, Gaddigodam,Nagpur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri P.W.Mirza, Advocate for applicant.

Shri T.A.Mirza, A.P.P.for State- non-applicant.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 5, 2017

This is an application for pre-arrest bail.

Heard learned counsel for applicant and learned
A.P.P. for State-non-applicant.

Since the applicant is apprehending his arrest in
connection with Crime No.4095/2017, registered with P.S.
MSEDCL, Gaddigodam,Nagpur, for the offence punishable
under Sections 135 and 138 of the Indian Electricity Act,2003
the applicant is before this Court.

As per the prosecution case, for 18 days in the
month of June, the applicant stealthily fetched power to run
his Bhagyyalaxmi Stone Crusher, situated at village Masod,
Taluka and District Amravati and thereby committed the
offence as envisaged under Sections 135 and 138 of the
Indian Electricity Act.

It is not in dispute that on 17/7/2017, the
company MSEDCL issued the assessment bill for disputed
period of 18 days for Rs.1,46,655/-. It is also not in dispute
that on the very next day i.e. 18/7/2017 the entire amount as
assessed by the company is paid by the present applicant.

As per the scheme of the Indian Electricity Act it is for the complainant to get the offence compounded. However, if the applicant wish to contest he has every right to contest the said assessment bill as reached and drawn by the company.

The anticipatory bail is opposed by the learned A.P.P. In view of the reply filed by the non-applicant that co-accused one Mr.Khan who according to the prosecution was responsible for tampering with the gadgets of the company is absconding and to trace out him the application for anticipatory bail is opposed.

It is not the case of the prosecution that present applicant in any way help in abscontion of the accused. In that view of the matter, for tracing out the said co-accused, the custodial presence of the applicant can never be warranted by the investigating officer. In that view of the matter, the present application is to be allowed and accordingly it is allowed and order passed by this Court on 22/8/2017 stands confirmed.

JUDGE

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