

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 243 OF 2018

Pushpa A.Kolekar

...Applicant.

Vs.

The State of Maharashtra

...Respondent.

Mr. Rushikesh Kale I/by Viresh Purwant for the Applicant.

Mr. Ajay Patil, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE 20th December, 2018

PC :

1. This is an application for relaxation of condition, of deposit of 50% of the total amount of theft of electricity.

2. It is the prosecution case that, the applicant is Sarpanch of Gram Panchayat of Tulsidas Nagar. The said Gram Panchayat has committed theft of electricity of 92676 units of electricity mounting to Rs.6,67,267/- by connecting cable H.T.P line for the purpose of water supply. The applicant being apprehensive about her arrest in the said case preferred an

application under Section 438 of the Cr.P.C. for pre-arrest bail in the Court of Additional Sessions Judge, Barshi, While allowing the said application by an Order dated 8.12.2017, the learned Sessions Court has imposed a condition that, the applicant shall deposit 50% of the amount of theft of electricity charges. The said condition is challenged herein. The application for relaxation of condition preferred by the applicant bearing MA NO. 406/2017 has been rejected by the Trial Court by its order dated 15.1.2018.

3. The Gram Panchayat record prima facie indicates that, the concerned Gram Panchayat has committed theft of the electricity of Rs.6,67,276/- and the same is claimed by the Electricity Providing Company. The applicant was granted various opportunities by this Court from 8.2.2018 till today, to pursue the matter with higher authorities such as Panchayat Samiti or Zilla Parishad and get sanction for the said amount to be paid to the Electricity Company. Undoubtedly, the monetary loss to the electricity company is ultimately loss to the Government exchequer. The record prima facie indicates that the applicant has failed to prevent the theft of electricity and therefore, the electricity company has fixed the aforesaid liability for theft of electricity. The condition of deposit of the

said amount q`l imposed upon the applicant is a discretionary and equitable relief granted by the Sessions Court in favour of the applicant.

4. After perusing the impugned Order it appears that, the same does not suffer from any error either in law or on facts.

Application is accordingly rejected.

(A.S. GADKARI, J.)