

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

**ANTICIPATORY BAIL APPLICATION NO. 556 OF 2017**

Ganesh Dilip Pawar & Another ... Applicants

V/s.

The State of Maharashtra ... Respondent

**WITH  
CRIMINAL APPLICATION NO. 479 OF 2017  
IN  
ANTICIPATORY BAIL APPLICATION NO. 556 OF 2017**

Vihar Ahit Khadtare ... Applicant

**IN THE MATTER BETWEEN**

Ganesh Dilip Pawar & Another ... Applicants

V/s.

The State of Maharashtra ... Respondent

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Mrs. Sonal Parab i/b Rajeev Sawant & Asso. for the Applicant.

Mr. A.D. Kamkhedkar, APP for the Respondent/State.

Mr. Harshad Bhadbhade, for the complainant.

**CORAM : A.S.GADKARI, J.  
DATE : 8<sup>th</sup> JANUARY, 2018**

**P.C.:**

. The Applicants are apprehending arrest in C.R. No. 90 of 2017 registered with Pant Nagar Police Station, Ghatkopar, Mumbai under Sections 324, 323, 504 and 506 of the Indian Penal Code and Sections 135 and 150 of the Indian

Electricity Act, 2003.

2 Heard learned Counsel for the Applicant, learned Counsel for the intervenor and learned APP. Perused the record of investigation.

By a reasoned Order dated 30.03.2017, the Applicants were granted interim relief.

3 The first information report is lodged by Shri. Vihar Khadtare, Senior Manager employed with Reliance Infrastructure Ltd.

It is the prosecution case in nutshell that the Applicants committed theft of the electricity to the tune of Rs.11,36,982/- of the informant Company and when the first informant along with other employees had been to the suit premises for inspection, it is alleged that the Applicant No.2 assaulted him and his colleagues with a paver block.

4 The learned Counsel for the Applicant on instructions submitted that during the pendency of the present application, the Applicants have paid the said amount of Rs.11, 36,982/- to the electricity providing Company of the first informant and they have received the acknowledgment for the same. As far as the allegation of assault by the Applicant No.2 with the aid of paver block is concerned, the injury certificate issued by the V.C.Gandhi Municipal General Hospital, Rajawadi in favour of witness Mangesh mentions that he received blunt trauma on his left upper arm and the said injury is simply in nature. Prima facie, it appears that the version narrated by the first informant of assault with paver

block is not corroborated with the medical certificate. In view of the above, interim relief granted by Order dated 30.03.2017 is hereby confirmed.

5 Application is allowed in the aforesaid terms.

6 In view of the order passed in ABA No. 556 of 2017, the present application No. 479 of 2017 for intervention does not survive and is accordingly, disposed off.

**(A.S.GADKARI, J.)**