

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 753 OF 2018**

Kerappa Radhappa Sargar ..Applicant

v/s.

The State of Maharashtra & Ors. ..Respondents

WITH
ANTICIPATORY BAIL APPLICATION NO. 754 OF 2018

Subhana Tatoba Jankar ..Applicant

v/s.

The State of Maharashtra & Ors. ..Respondents

WITH
ANTICIPATORY BAIL APPLICATION NO. 755 OF 2018

Shabbir B. Shaikh ..Applicant

v/s.

The State of Maharashtra & Ors. ..Respondents

WITH
ANTICIPATORY BAIL APPLICATION NO. 756 OF 2018

Shrimant S. Suryavanshi ..Applicant

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. Sachin Hande I/b. Samadhan Kashid for the Applicant.
Mr. S.H.Yadav, APP for the State.
Mr. Santosh J. Chavan, Police Constable, Jat Police Station, present.

CORAM : ANUJA PRABHUDESSAI,J.
DATED : OCTOBER 06, 2018.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicants apprehending their arrest in C.R.Nos. 42 of 2018, 44 of 2018, 45 of 2018 and 46 of 2018, originally registered with Mahavitaran Police Station. Pune, and thereafter transferred to Jath Police Station, for offences under Section 135 of Indian Electricity Act, 2003.

2. Heard Mr.Hande, the learned Counsel for the applicant and Shri Yadav, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. It is the contention of the prosecution that the applicants herein had committed theft of electricity to the extent of Rs.13,820 in C.R.

44 of 2018, Rs15,350/- in C.R. No. 46 of 2018, Rs.19,580/- in C.R.No. 45 of 2018 and Rs.22,570/- in C.R.No. 42 of 2018. The above offences are compoundable. The learned Counsel for the applicants submits that the applicants shall pay the aforesaid amount to the concerned electricity department within two weeks from the date of this order. The learned Counsel for the applicants further submits that the applicants shall report to the Investigating Officer for the purpose of interrogation and investigation, if necessary. Statements accepted.

4. Considering the above facts and circumstances, so also the nature of the allegations , as well as the fact that the applicants were on interim bail since 17th August, 2018, in my considered view, this case does not justify custodial interrogation. Furthermore, the applicants are the permanent residents of Jath . There are no chances of their absconding or thwarting the course of justice. There are no criminal antecedents against the applicants. Hence, the applications are allowed on the following terms and conditions:-

(i) In the event of arrest of the applicants abovenamed in Crime

Nos. 42 of 2018, 44 of 2018, 45 of 2018 and 46 of 2018, originally registered with Mahavitaran Police Station, Pune, and then transferred to Jath Police station, the applicants be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, in each of these crimes.

(ii) The applicants shall report to the Investigating Officer as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(iii) The applicants shall provide their permanent as well as temporary address, if any, and their contact details to the Investigating Officer.

(iv) The applicants shall not change their residential address without prior intimation to the Investigation Officer.

(v) The applicants shall not tamper with the evidence or interfere

with the complainant and the other witnesses in any manner.

(vi) The applicants shall deposit the amount of Rs.13,820 in C.R. 44 of 2018, Rs15,350/- in C.R. No. 46 of 2018, Rs.19,580/- in C.R.No. 45 of 2018 and Rs.22,570/- in C.R.No. 42 of 2018 before the concerned Electricity Department within two weeks from the date of this order.

(ANUJA PRABHUDESSAI, J.)