

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL MISCELLANEOUS APPLICATION NO.453 OF 2018

Mohammed Abdul Gani Shaikh	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Vedchetan Patil for applicant.
Mr.S.V.Marwadi for complainant.
Mrs.G.P.Mulekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.
DATE : 31st August 2018

PC :

1. This is an application for relaxation of condition imposed by Additional Sessions Judge, Thane while granting bail to the applicant vide order dated 7th August 2018.
2. The applicant was arrested in connection with CR No.-3618 of 2017 registered with Shantinagar Police Station for offence u/s 135 of Indian Electricity Act. He preferred an application for bail after his arrest. The said application was allowed and the applicant was directed to be enlarged on bail on his furnishing PR bond in the sum of Rs.15,000/- subject to conditions. One of the condition was that the applicant shall deposit the remaining amount of theft of electricity in the office of complainant company.
3. Learned advocate for applicant submits that on account of onerous condition imposed by the Sessions Court, the applicant has continued to remain in custody. It is submitted that earlier the applicant had deposited Rs.1.59 lakh with the complainant company

towards electricity charges. It is further submitted that the applicant would hand over the demand draft in the sum of Rs.2 lakh issued in favour of the complainant towards electricity charges and cheque of Rs.1 lakh dated 31st August 2018 today. It is submitted that the demand draft and cheque would be handed over in the office of complainant company during the course of day. The representative of complainant company who is present in the Court states that office of the complainant company would be open till 9 p.m. and it would be appropriate to hand over the demand draft and cheque in the office.

4. Mr.Marwadi appearing for the complainant company submitted that the total value of electricity theft is Rs.11,17,128=95 Ps. It is submitted that Rs.1.59 lakh being deposited by the applicant on the earlier occasion is not disputed. On the instructions of the representative of company it is submitted that balance amount as claimed by the complainant would be adjudicated in appropriate proceedings by the complainant company.

5. In the circumstances, the condition imposed while granting bail that the applicant shall deposit remaining amount of theft of electricity in the office of complainant company is relaxed to the above extent. Criminal Application No.453 of 2018 disposed off accordingly.

(PRAKASH D. NAIK, J.)

MST