

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

**ANTICIPATORY BAIL APPLICATION NO. 1891 OF 2018
WITH
ANTICIPATORY BAIL APPLICATION NO. 1892 OF 2018**

Chanchalben Dahyabhai PatelApplicant
V/s.

Senior Inspector of Police, Nani Daman
Police Station, Daman & Ors.Respondents

Mr. Mukesh Vashi, Senior Advocate a/w. Ms. Tanya Barwal i/b. M.P.
Vashi Associates for the applicant.

Mr. H.J. Dedhia, Special PP for respondent nos.2 and 3.

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

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 01st OCTOBER, 2018.**

P.C.:

. These are the applications for anticipatory bail under section 438 of Criminal Procedure Code, filed by the aforesaid applicant, apprehending her arrest in C.R.No.98/2018 and 99/2018 registered with Nani Daman Police Station, District Daman for offences punishable under section 135 of the Indian Electricity Act, 2003.

2. Heard Mr. Mukesh Vashi, learned senior counsel for the applicant, Mr. H.J. Dedhia and Mr. A.D. Kamkhedkar, learned Special PP and APP for the State. I have perused the records and considered

the submissions advanced by the learned counsels for the respective parties.

3. The applicant herein is alleged to have committed theft of electricity. The records *prima facie* reveal that the applicant herein had filed petition being Writ Petition No.8948 of 2018 before the Division Bench of this Court. The records *prima facie* reveal that the electricity supply of the applicant's premises was disconnected on 12/07/2018 and thereafter, notices and recovery certificates dated 13/07/2018 were issued to the applicant. The applicant had challenged the said notices and recovery certificates dated 13/07/2018 issued by the first informant. By order dated 16/08/2018, the Division Bench of this Court had directed the respondent to temporary restore the electricity supply of the applicant's premises subject to tendering of an undertaking and payment of Rs.17,80,267/-. The applicant has stated that the said amount has been deposited and undertaking is also given. However, the first informant did not comply with the order and this necessitated filing of the Contempt Petition being Contempt Petition (L) No.26418 of 2018. Mr. Mukesh Vashi, learned senior counsel submits that the first information report was lodged subsequent to the order of the division bench of this court and after filing of the contempt

petition.

4. Considering the aforesaid facts and circumstances and particularly the nature of the allegations levelled against the applicant, this is not a case which would justify custodial interrogation. Furthermore, the applicant is a permanent resident of Ghelwal Falia, Nani Daman. There are no chances of the applicant absconding and/or thwarting the course of justice. The applicant has no criminal antecedents. Hence, both Anticipatory Bail Applications are allowed on following terms and conditions :-

(a) In the event of arrest of the applicant in C.R.No.98/2018 and 99/2018 registered with Nani Daman Police Station, District Daman, she shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(b) The applicant shall remain present before the Investigation Officer from 08/10/2018 for a period of four days from 11:00 a.m. to 02:00 p.m. and further as and when required by the Investigation Officer for the purpose of interrogation/investigation.

(c) The applicant shall furnish her permanent and temporary address, if any, and her contact details to the Investigation Officer.

(d) The applicant shall not change her residential address without prior intimation to the Investigation Officer.

(e) The applicant shall not interfere with the witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)