

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 287 of 2019**

Chandrakumar Jain, S/o. Shri Meghraj Jain, Aged About 62 Years, R/o. Dhamdha, Tahsil- Dhamdha, District- Durg, Chhattisgarh.

----Applicant**Versus**

Chhattisgarh Rajya Vidyut Vitran Company, Through: Branch- Dhamdha, Police Station- Dhamdha, District- Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. T.K. Jha, Advocate
For Respondent	: Mr. Abhisek Sinha, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****18/03/2019**

1. Apprehending arrest in connection with Special Cr. Electricity Case No.1159/2013, pending before the First Additional Judge to the Court of First Additional Sessions Judge, Durg, District – Durg (C.G.) for offence punishable under Section 135 of Electricity Act, 2003, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. The applicant has been accused of theft of electrical energy in that case, the applicant has entered into a compromise with the respondent department and has paid all the fine amount and arrears of electricity charges. Therefore, the applicant is now entitled for acquittal in this case. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The case against the applicant is this that he has committed theft of electrical energy, which was discovered in raid conducted in his premises. It was found on calculation that he has committed theft of electrical energy worth Rs.28,562/- and has caused loss to the respondent department. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering the fact that the applicant has already paid all the dues and also the composition amount consequent to which prosecution against him is a question, therefore, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;

- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram