

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1492 of 2018

- Sundar Singh Thakur S/o Jagat Narayan Singh Thakur, Aged About 45 Years, R/o Govind Singh Nagar, Police Station Sirgitti, Tahsil and District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh Electricity Board Bilaspur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
2. State of Chhattisgarh, through the Police Station Sirgitti, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Anil Tawadkar, Advocate.

For Non-applicant No.1 – Shri Abhishek Sinha and Shri Amit Buxy, Advocates.

For Non-applicant No.2/State– Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-02-2019

1. The applicant is apprehending arrest in connection with Complaint Case No.262/2011, registered by Police Station – Sirgitti, District- Bilaspur, Chhattisgarh for the offence under Section 135 of Electricity Act, 2003. Hence, he has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that no case is made out against the applicant. The applicant is not the owner of the property in which non-applicant No.1 has made panchnama of theft of the electricity. As the Court below has issued permanent warrant of arrest against the applicant, he is apprehending arrest in this case. Hence, it is prayed that he may be benefited with grant of anticipatory bail.
3. Learned counsel for the non-applicant No.1 submits that this applicant has already avoided the process of the Court, because of which the Court was compelled to order for issuance of permanent warrant of arrest. Hence, he is not entitled for any relief.
4. Learned counsel for the State/non-applicant No.2 objects accordingly.

5. Heard learned counsel for the parties and perused the documents.

6. A complaint was filed by non-applicant No.1 against the applicant on 20-09-2011 for trial of the applicant under Section 135 of Electricity Act, 2003. Despite service of summons and bailable warrant, this applicant has not given appearance before the concerned Court. Hence, this case.

7. Only for the reason that the complaint case is getting prolonged because of non-appearance of this applicant, I feel inclined to allow this application.

8. Accordingly, the anticipatory bail application is allowed. 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.

9. In case the applicant commits any default, the order shall be automatically cancelled.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge