

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.257 OF 2019**

**AND**

**CRIMINAL APPLICATION NO.258 OF 2019**

**IN**

**CRIMINAL APPEAL NO.274 OF 2019**

**ANIS AHMED SHAFIQ AHMAD KHAN )...APPLICANT**

**V/s.**

**THE STATE OF MAHARASHTRA )...RESPONDENT**

Mr.N.V.Sawant, Advocate for the Applicant.

Mr.P.H.Gaikwad-Patil, APP for the Respondent - State.

**CORAM : A. M. BADAR, J.**

**DATE : 21<sup>st</sup> FEBRUARY 2019**

**P.C. :**

1            These are applications for suspension of sentence and releasing the applicant/accused on bail during pendency of appeal filed by him. The applicant/accused is convicted for offences punishable under Sections 135 and 138 of the Electricity Act and

is sentenced to suffer rigorous imprisonment for two years apart from direction to pay fine of Rs.5,97,650/- and default sentence of simple imprisonment for six months for the offence punishable under Section 135 of the Electricity Act. For the offence punishable under Section 138 of the Electricity Act, the applicant/accused is sentenced to suffer rigorous imprisonment for two years apart from payment of fine of Rs.5,000/- and in default to undergo further simple imprisonment for three months.

2            Heard the learned counsel for the applicant/accused. On specific instructions from relatives of the applicant, the learned counsel for the applicant has submitted that the applicant is ready and willing to deposit the entire amount of fine as soon as possible and conditional order of the release of the applicant/accused be passed.

3            The learned Additional Public Prosecutor opposed the application.

4           Considering the fact that the applicant/accused is ready and willing to deposit entire amount of fine imposed by the learned trial Court to compensate the Distribution Company for the alleged theft of electricity and as short sentence of imprisonment is imposed on the applicant/accused, the following order :

**ORDER**

- i)     On depositing the entire amount of fine imposed on the applicant/accused by the learned trial Court, the substantive sentence of imprisonment imposed on the applicant/accused be suspended and he is directed to be released on bail on his executing P.R.Bond of Rs.15,000/- and on furnishing surety in the like amount.
- ii)    As a condition of this order, the applicant/accused shall not repeat commission of similar offences in future.
- iii)   Both applications stand disposed of accordingly.
- iv)    Parties to act on authenticated copy of this order.

(A. M. BADAR, J.)