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

CRIMINAL BAIL APPLICATION NO.2385 OF 2019

Harish Ramprasad Pandey	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr.N.V.Sawant i/b Mr.Narendra Dubey, for the Applicant.

Ms.P.P.Shinde, A.P.P for the Respondent - State.

PSI – S.K.Katpale, Rabale Police Station, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 24th SEPTEMBER, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.381 of 2019 registered with the Rabale Police Station, for the alleged offences punishable under Sections 332, 353, 504 and 506 of the Indian Penal Code.
3. Perused the papers. According to the complainant – Jitendra Kadu, a Senior Technician Officer of MSEDCL, he was assigned the

work of recovery of Electricity Bills. He has alleged that on 31st July, 2019, he visited the applicant's residence to recover the pending electricity bills of the applicant. He has alleged that as no one replied, to the door bell, he called the applicant on his mobile, asking him to make payment. The applicant is alleged to have stated that he is not present at his residence. It appears that the applicant had not paid arrears of about Rs.72,968/-. Pursuant thereto, the complainant and his associates disconnected the electricity meter. It is alleged by the complainant that the applicant immediately came out of his house and asked the complainant, why the electricity has been disconnected. The complainant, who was wearing his official uniform revealed his identity and stated that he had disconnected the electricity, as directed by his superiors. The applicant is alleged to have slapped the complainant and abused him. The applicant is also alleged to have pushed the complainant on the staircase and assaulted him with an iron rod. Pursuant to the threats extended by the applicant, to reconnect the electricity meter, the complainant was compelled out of fear to reconnect the aforesaid meter. After the said incident, the aforesaid complaint was lodged alleging the aforesaid offences.

4. Learned Counsel for the applicant states that the applicant will not commit such an offence in future nor will the applicant assault any

officer on duty. Statement accepted. He states that the Electricity Board has granted permission to the applicant to pay the electricity dues in installments.

5. The applicant is in custody since July, 2019. Investigation is almost over and charge-sheet is likely to be filed in a week or two. Having regard to the peculiar facts and circumstances of this case, further detention of the applicant is not warranted. Accordingly, the application is allowed on the following terms and conditions:-

ORDER

- (i) The Applicant be released on cash bail in the sum of Rs. 25,000/-, for a period of six weeks;
- (ii) The Applicant shall within the said period of six weeks, furnish P. R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (iii) The Applicant shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. and 11:00 a.m., for a period of 24 months from the date of his release
- (iv) The Applicant shall not tamper with the evidence or attempt to

influence/contact the complainant, witnesses or any person concerned with the case;

(v) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;

(vi) The Applicant shall not commit similar offence;

(vii) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court.

(viii) An undertaking to the aforesaid clauses (ii) to (vii), shall be filed by the Applicant, in the Registry of the trial Court, within two weeks of his release;

(ix) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court or breach of any of the conditions as stated above, the prosecution will be at liberty to apply for

cancellation of Applicant's bail.

6. The Application is allowed and disposed of in above terms.

7. It is made clear, that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.