

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Criminal Application (ABA) No.285 of 2019
(Ramesh Khatanmal Lulla .vs. State of Maharashtra through Akot Fail
Police Station, Akola.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders.
and Registrar's orders

Mr. K.H. Anandani, Advocate for Applicant.
Mr. N.R. Rode, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : June 11, 2019.

The applicant herein is accused of an offence of theft of electricity under Section 135 of the Indian Electricity Act, 2003. It is the case of the prosecution that upon inspection of meter of the establishment belonging to the applicant on 27.12.2018, it was found that the meter was deliberately slowed down by the applicant due to which there had been theft of electricity to the tune of Rs.1,03,012/-. It is also the say of the non-applicant/State that the applicant was earlier also caught in the act of theft of electricity and that if protection is granted to him, there is every likelihood of the applicant repeating the said offence.

2. On 10.05.2019, this Court issued notice in the present application and granted interim protection as follows:-

"I. In the event of arrest in connection with Crime No.119/2019, registered with the non-applicant, the applicant be released on provisional bail

on depositing Rs.1,00,000/- before the Special Court, Akola and on furnishing one solvent surety of Rs.25,000/-.

II. The applicant shall attend the Police Station, Akot, Dist. Akola on every Sunday between 1.00 p.m. and 3.00 p.m., until further orders.

III. The amount of Rs.1,00,000/- as directed, shall be deposited till 16th May, 2019. If the amount is not deposited till 16th May, 2019, this order shall not be effective from 17th May, 2019 and the non-applicant will be at liberty to take action against the applicant, as per law."

3. It is specifically stated on behalf of the applicant that the aforesaid amount of Rs.1,00,000/- as directed by this Court has been deposited by the applicant before the Special Court at Akola. Although the non-applicant contends that if the protection granted to the applicant is continued, he may indulge in the same offence again, the said apprehension can be addressed by imposing suitable conditions.

4. Hence, the present application is allowed in terms of the above quoted interim order passed by this Court. Since the applicant has already deposited an amount of Rs.1,00,000/- before the Special Court at Akola, part of the condition has been complied with. But, it is further directed that the applicant shall not indulge in any such activity in the future for the protection to continue in his favour and instead of attending Police Station Akot, district Akola on every Sunday, the applicant shall attend the said Police

Station between 1 p.m. and 3 p.m. on every 2nd and 4th Sunday of the month.

5. Needless to say that the non-applicant/State is at liberty to raise demand against the applicant for compounding of offence and the order passed in this application will not come in the way of the non-applicant/State.

6. The application is allowed in above terms.

JUDGE

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