

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

CRIMINAL APPLICATION (ABA) NO.638 OF 2019

Vasanta Shamji Jadhao and others .Vs. State of Maharashtra, PSO, P.S. Arni,
Tq. Arni, Dist. Yavatmal.

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

Mr. S.B. Gandhe, Advocate for applicants.
Mr.S. M. Ghodeswar, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : OCTOBER 07, 2019

Heard Mr.Gandhe, learned counsel for
applicants and Mr. Ghodeswar, learned Additional Public
Prosecutor for non applicant-State.

Applicants are apprehending their arrest in
connection with Crime No.517/2019 registered with Police
Station, Arni Dist. Yavatmal for an offence punishable under
Sections 353, 188, 504, 506, 332 read with Section 34 of the
Indian Penal Code.

The crime is registered on the basis of a
complaint lodged by Amol Kawale, who is an employee of
MSEDCL. As per prosecution case, on 06.08.2019,
complainant along with Nandkishor Nikure visited the house
of applicant no.1-Vasanta Jadhao at Borgaon. Vasanta is
consumer of electricity having consumer no.382590002283.
According to the prosecution case, Vasanta was in arrears of
electricity bill to the extent of Rs.5,202/-. As per the

prosecution case, therefore complainant went to the house of Vasanta for recovery of the electricity charges. At that time Vasanta was found present in the house. On the request for payment of electricity charges, as per prosecution case, Vasanta raised dispute that he has received exorbitant bill. According to the prosecution, on the said day in between 17:30 to 18:30, applicant no.1-Vasanta caught hold of shirt of complainant and pushed him and abused him in filthy language. The other accused persons also dragged the complainant and given threats to him.

Learned counsel for applicants invited my attention to the page 29 of the compilation which is bill and receipt till the month of June-2019. It shows that applicant-Vasanta did pay electricity bill as raised in the bill for the month of June-2019. According to the prosecution, the outstanding bill was for the month of July-2019. It is submission of the learned counsel for applicants that for month of July-2019, applicants did not receive any bill from the MSEDCL. The learned Additional Public Prosecutor also could not point out anything either from the reply or from the investigation papers to show that bill for the month of July-2019 was raised and received by the applicant and he was in arrears of the same.

In that view of the matter, in my view, the applicants who are already protected by this Court on 24.09.2019 and have already attended the police station from 25.09.2019 to 03.10.2019, need to be protected by

allowing this application. Consequently, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.517/2019 registered with Police Station, Arni Dist. Yavatmal for an offence punishable under Sections 353, 188, 504, 506, 332 read with Section 34 of the Indian Penal Code, applicant no.1 – Vasanta Shamji Jadhao, applicant no.2 – Premsing Vasanta Jadhao, applicant no.3 – Ramu alias Babu Shamji Jadhao and applicant no.4-Naresh Pralhad Jadhao, be released on bail on they executing PR. Bond in the sum of Rs.10,000/- each, with one solvent surety each in the like amount.
- (iii) Applicants are directed to attend Police Station, Arni as and when they are directed by the investigating officer. However, for that the investigating officer shall give clear cut three days prior written communication to the applicants.

Application is disposed of.

JUDGE

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