

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

CRIMINAL APPLICATION (ABA) NO. 792 OF 2019

Bismillah Khan s/o Mohammad Buland Khan .Vs. State of Maharashtra
through PSO P.S. Balapur, Dist. Akola.

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

Court's or Judge's orders.

Mr. A.M. Tirukh, Advocate for applicant.
Mr. N.R. Rode, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : DECEMBER 09, 2019

Heard Mr. Tirukh, learned counsel for the applicant and Mr. Rode, learned Additional Public Prosecutor for non applicant-State. Also perused the reply filed on behalf of the prosecution.

The applicant is apprehending his arrest in connection with Crime No.252/2019 registered with Police Station, Balapur, Dist. Akola for an offence punishable under Section 135 of the Electricity Act, 2013.

As per reply, a Additional Executive Engineer of MSEDCL and other members of flying squad, when they made surprise visit to several spots including spot of the incident where meter owned by the applicant was found tampered, they found that there is theft of electricity for amounting to Rs.26,850/- The flying squad asked the applicant to deposit Rs. 70,000/- towards settlement as per usage of the electricity in 3 phase meter as per regulations of the MSEDCL. As per reply, only Rs. 26,850/- has been deposited and the applicant has not deposited Rs.70,000/-.

Mr. Tirukh, Learned counsel for the applicant on instructions from the applicant submits that applicant is ready to deposit Rs.70,000/- within period of 8 days from today.

Statement is accepted.

Consequently, I pass the following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant is directed to deposit Rs.70,000/- with the MSEDCL within 10 days from today and shall also furnish copy of the receipt to the investigating officer.
- (iii) If amount of Rs.70,000/- is deposited with the MSEDCL, in the event of arrest in connection with Crime No.252/2019 registered with Police Station, Balapur, Dist. Akola for an offence punishable under Section 135 of the Electricity Act, applicant – Bismillah Khan s/o Mohammed Buland Khan be released on he executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iv) If amount is not deposited within 10 days from today and if the receipt is not presented to the investigating officer, the present application shall be deemed to be rejected and it will be open for the investigating officer to take necessary steps, in accordance with law.

The application is disposed of.

JUDGE

srwagh