

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.224 OF 2020

Shivaji Sambhaji Giranje and others

Applicants

versus

The State of Maharashtra

Respondent

Mr.Sachin H. Deokar for applicants.

Mr.S.H.Yadav, APP, for State.

Mr.PV.Waghmare, API, Karmala Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th January 2020

PC :

1. This is an application for anticipatory bail in CR No.29 of 2020 registered with Karmala Police Station for offences under Sections 353, 504, 506 r/w 34 of Indian Penal Code.

2. The case of the prosecution is that the informant is Junior Engineer attached to MSEDCL, Karmala. On receipt of information that theft of electricity was committed, the officers visited village Bhilarwadi and during the course of investigation it was noticed that cable was taken in the house of accused no.1 from low tension wire and electricity pole existing in front of house. The panchanama was initiated and the officers were taking incriminating articles into custody. The accused abused and threatened the MSEDCL officers and drove them from the spot. They were intimidated of dire consequences if they again return to the spot.

3. The contention of applicants is that there was frustration on account of load-shedding and non availability of electricity in the

village. The applicants did not obstruct the public servants in discharge of their duty. They are willing to co-operate with the investigation. In the event officers from MSEDc visits the residence of applicants, they would be allowed to conduct investigation or requisite inquiry.

4. Learned APP submitted that the officers were obstructed from discharging their duty. They were threatened. They were not allowed to complete the investigation in relation to theft of electricity. The applicants are having one antecedent. The offence was registered under Sections 498A, 306 of IPC. Learned counsel for applicant submitted that the said FIR was lodged on account of suicide committed by wife of applicant no.4 and the applicants were implicated in the said case.

5. Applicant no.1 is 76 years old person. Applicant no.2 is son of applicant no.2. Applicant nos.3 and 4 are sons of applicant no.2. In the light of submissions that applicants are willing to co-operate with the investigation and even inspection, if any, to be conducted by the officers of MSEDc, protection can be granted to the applicants. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.224 of 2020 is allowed and disposed of;
- (ii) In the event of arrest of applicants in connection with CR No.29 of 2020 registered with Karmala Police Station, District Solapur, the applicants be released on bail on furnishing PR bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;

(iii) The applicant nos.2, 3 and 4 shall report the Investigating Officer between 2nd February and 5th February 2020 between 11 am and 1 pm and thereafter as and when called till filing of charge sheet;

(iv) In the event the officers of MSEDCL conducts any inquiry at the premises of the applicants in respect of electricity theft and/or inspects the residence of applicants in that regard, the applicants shall co-operate and allow the officers of MSEDCL to conduct their inquiry and/or inspection.

(PRAKASH D. NAIK, J.)

MST