

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
(LDVC, 2020)

Criminal Application (ABA-LDVC) No. 45 /2020
(Rajkumar Gir V State of Maharashtra, thr PSO PS Balapur, District Akola)

Office notes, office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's order

Court's or Judge's Order

Shri N.A. Gaikwad, Adv for applicant.
 Shri A.D. Madiwale, APP for State.

CORAM : S.M. MODAK, J.
DATE : 05-05-2020.

Heard learned Advocate Shri Gaikwad for the applicant and the learned Additional Public Prosecutor for the State.

2. Issue notice to the non-applicant.
3. Shri Madiwale, learned APP, waives notice for the State.
4. There is an offence registered against in all 5 persons at Balapur Police Station, District Akola on 12-03-2020. It was for the offence punishable under Section 135 of the Electricity Act, 2003. There is allegation that all the accused persons named therein have tampered the electric meter and committed theft of electricity amounting to Rs. 15, 40,000/-. The meter was installed at Pungali Karkhana in front of Reliance Hospital mouza Ridhora, Tal. Balapur, District Akola. When the Additional Executive Engineer (Flying Squad), Akola visited the site, he noticed the tampering. The applicant claims that he has taken the premises on rent from one Mohd. Rafique Abdul Gaffar and one Yunus Khan and the applicant run Gold Finger Factory. Though the applicant runs factory, the tenancy agreement is executed in the name of one Aakash Kisanlal Chaudhary. The applicant claims that he is regularly paying the electricity bills. His anticipatory bail application was rejected on the ground that prima facie involvement of the applicant in commission of theft of electricity was established and the investigation is at preliminary stage.

5. Be that it may, today the applicant has shown readiness to deposit 25% of the amount of stolen electricity. According to him, the FIR was lodged when there is reluctance to pay the compounding charges. I think the applicant can be directed to deposit Rs. 5 lakh with Mahavitaran Akola office within 1 month from today. Hence, the order :-

ORDER

- (i) Application is allowed.
- (ii) Ad-interim relief is granted in terms of prayer Clause- '2'.
- (iii) The Police of Police Station Balapur, District Akola are directed to release applicant-Rajkumar Mangaram Gir on bail on furnishing his Personal Bond and Surety Bond of ₹ 15,000/- in the event of arrest in Crime No.123/2020, subject to deposit of Rs.5 lakh with Mahavitaran, Akola, on the following conditions:-
 - (a) He shall not tamper with the evidence of the prosecution witnesses.
 - (b) He shall cooperate the Police as and when required during investigation.
 - (c) He is granted 1 month time to deposit the amount.
 - (d) Mahavitaran Company is directed to keep that amount with them till further orders will be given by this Court.

JUDGE

Deshmukh

**Sandeep
Deshmukh**

Digitally signed by
Sandeep Deshmukh
Date: 2020.05.08
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