

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 373 of 2021

- Smt. Mohini Dahiya W/o Shri Krishna Dahiya Aged About 40 Years R/o Village Balikonta Kalipur Police Station Frejarpur District Baster Chhattisgarh,

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station In-Charge Police Station Frejarpur Parpa District Baster Chhattisgarh,

---- Respondent

For Applicant	–	Mr. Bhupendra Singh, Advocate
For State	-	Mr. Siddharth Dubey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.07.2021

1. Apprehending arrest in connection with Crime No. 287/2020 registered in Police Station Frejarpur Parpa Jagdalpur Distt. Bastar (C.G.) for offence punishable under Sections 4135 of Electricity Act, the applicant has preferred this application under Section 438 of Cr.P.C. for grant of anticipatory bail.

2. As per the prosecution case, on 12.10.2020 on an information that the applicant has committed the theft of the electricity, a raid was conducted and it was found that the applicant was running a Mineral Water Factory with a load of 2.96 KW.

3. Learned counsel for the applicant submits that in fact that the applicant has applied for, no electricity connection was provided to her. It is submitted that the electricity connection which was not granted to the applicant and though the alleged raid was committed on 12.10.2020, but as per proviso to Section 135(1A) of the Electricity Act 2003, an FIR was not lodged within 24 hours from the time of such disconnection. He further submits that on 17.11.2020, a letter was received by the applicant that certain formalities have to be completed for the connection

which would show that no connection was actually existing.

4. Learned State counsel, on the other hand, opposes the bail application and read out the statement of Swati Shrivastava. The FIR in this case has been registered after two months.

6. Taking into consideration the fact that the applicant claimed that there was no electricity connection and relies on the letter dated 17.11.2020, the nature of allegation, the fact that the applicant is a lady, no custodial interrogation would be required. It is directed that in the event of arrest, this Court is inclined to release the applicant on bail. Accordingly, this application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting her on furnishing a personal bond to a sum of Rs. 25,000/- with one surety each in the like sum to the satisfaction of the concerned investigating officer. The applicant shall also abide by the following conditions:

- (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-
(Goutam Bhaduri)
Judge