

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.416 OF 2020

Yogesh Kisan Dhumal .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. Dheeraj Panchange for he applicant.

Mr. A.R. Patil, A.P.P. for the State.

Mr. Sharad Pawar, A.P.I. attached to Mahatma Phule Police Station is present in the court.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 30TH OCTOBER, 2021.

P.C:-

1. The offence was registered under Section 135 of the Indian Electricity Act vide C.R. II-35 of 2018, when the Junior Engineer of MSEDCL reported of the offence.

2. On 18/02/2020, this court, in brief, referred to the accusations against the applicant by recording that he is accused of committing theft of electricity totalling to 1,04,624 units.

AJN

Since it was pointed out to the court that the offence under Section 135 of the Electricity Act is compoundable as provided under Section 152 of the said Act, and since the applicant has filed an undertaking to deposit a sum of money required for compounding the offence and tendered a cheque in the sum of Rs.2 lakhs, he was held entitled for being released on bail in the event of arrest.

3. While granting protection in favour of the applicant, his undertaking to the effect that he will pay the balance amount of in three equal instalments was accepted. Today, learned counsel for the applicant, however, states that he has not been able to adhere to this undertaking which is recorded in paragraph No.7 of the order and the justification offered is that since the pandemic erupted in March, 2020, he was not able to arrange the amount. He, however, seeks some indulgence and states that he shall comply with the said undertaking and pay the balance in three equal monthly instalments in November, 2021, December, 2021 and January, 2022.

4. Subject to the said undertaking given by learned counsel on behalf of the applicant, I am inclined to confirm the order dated 18/02/2020. However, failure to adhere to the said undertaking would entitle the prosecution to move an application for cancellation of bail.

5. On deposit of the amount in three instalments, the applicant shall tender the receipts to the Investigating Officer on or before 07/02/2022. On noticing that if the payment is not made, the prosecution would be entitled to approach this court alleging breach of the condition and the court will pass appropriate orders. Subject to the above, the order dated 18/02/2020 is made absolute.

6. The application is disposed of.

[SMT. BHARATI DANGRE, J.]