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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2628 OF 2021

Vidyadhar Kesarinath Mhatre ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr.Kuldeep Patil i/b. Ms. Saili Dhuru for the Applicant.

Mr. H.J. Dedhia, APP for the Respondent -State.

.....

CORAM: V.G.BISHT, J.

DATE: 16th NOVEMBER, 2021

PC:-

1. The present Application has been moved by the applicant under Section 438 of the Code of Criminal Procedure apprehending arrest under Sections 353, 324, 323, 504 and 506 of the Indian Penal Code (the IPC) registered vide Crime No. I 298 of 2021 with Uran Police Station, District- Raigad.

2. The informant is working with Maharashtra State Electricity Distribution Company Ltd. as a Senior Assistant. On 07.10.2021, the informant along with his colleague was

assigned the duty of recovery of outstanding amount of bill from the customers. Accordingly, informant along with his colleague visited the house of applicant to recover the outstanding amount of bill of electricity. It is alleged that the applicant assaulted and abused the informant. Accordingly, FIR came to be filed.

3. Mr. Patil, learned Counsel for the applicant, submits that the outstanding bill was already paid on 07.10.2021. Even otherwise, as per the bill, the due amount was to be paid on or before 12.10.2021 amounting to Rs. 7,720/-. There was no reason for the informant or any other official from the said company to visit the house of applicant and demand arrears of electricity bill. Apart from this, having regard to the nature of accusation, there is no necessity of custodial interrogation. There are no criminal antecedents and, therefore, the application deserves the benefit of anticipatory bail.

4. Mr. Dedhia, learned APP, on the other hand, invited my attention to the affidavit of investigating officer wherein the

accusations are repeated. The prosecution has also filed on record the photographs of the incident showing the applicant in an aggressive mood and trying to assault the staff members of the Maharashtra State Electricity Distribution Company Ltd. According to learned APP, the investigation is in progress and if the benefit of anticipatory bail is extended in favour of the applicant, he may commit the offence again. This being so, the application is liable to be rejected, argued learned APP.

5. I have gone through the electricity bill submitted before me along with payment of receipt by learned Counsel for the applicant during the course of argument.

6. Perusal of the electricity bill would show that due date for the payment of electricity bill was 12.10.2021 and the required amount was to be paid by the applicant was Rs. 7,720/-. There is payment receipt which shows that the said amount was paid on 07.10.2021. Incidentally, the incident in question allegedly took place on 07.10.2021. This electricity bill and the payment of receipt are not disputed by learned

APP. It is also not disputed by learned APP that the last date of payment of electricity bill was 12.10.2021. However, when learned APP is confronted by this Court as to how the officials from the Maharashtra State Electricity Distribution Company Ltd. approached the family members of the applicant before due date of the bill i.e. 12.10.2021, learned APP as well as the investigating officer, who is also present, had no answer. Apparently, there was no reason for the informant to visit the house of applicant before due date of the electricity bill.

7. Even otherwise, the allegations in the FIR are that the applicant allegedly abused and assaulted the informant by fist blows. This certainly does not require custodial interrogation. In the circumstances, I am inclined to allow the present Application. Hence, the following order :

ORDER

- i) The Application is allowed;
- ii) In the event of his arrest in Crime No. I
298 of 2021 for the offences punishable under

Sections 353, 324, 323, 504 and 506 of the IPC registered with Uran Police Station, District-Raigad, the applicant be released on bail on executing P.R. Bond in sum of Rs. 20,000/- with one surety in like amount;

iii) The Application stands disposed off accordingly.

(V.G.BISHT, J.)