

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

ANTICIPATORY BAIL APPLICATION NO.1869 OF 2019

Shaikh Nabi Rasool Suleman .. Applicant

Versus

State of Maharashtra .. Respondent

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Mr.Salman Khan, Advocate for the Applicant.

Mr.S.R. Agarkar, APP for the Respondent - State.

Mr.S.V. Marwadi, Advocate for the Complainant.

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CORAM : PRAKASH D. NAIK, J.

DATED : AUGUST 17, 2021.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.II-4693 of 2016, registered with Shantinagar Police Station, Bhiwandi, District-Thane, for the offence punishable under Section 135 of Indian Electricity Act. FIR was registered on 21st September, 2016.

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2 The complaint is lodged by the Torrent Power Limited Company is alleging that there was theft of electricity.

3 The contention of the applicant is that the claim of the complainant electricity company was adjudicated and settled. The receipt in that regard is issued by the complainant company. The applicant had deposited an amount of Rs.1,43,000/-, towards settlement arrived between the complainant and the applicant. For further claims of the complainant, notice was issued to the applicant.

4 The complainant has filed an affidavit opposing this application. Mr.Marwadi for the complainant submitted that the entire claim has not been satisfied. Only part payment, as contended by the applicant was paid to the electricity department. The amount was accepted for restoring the electricity supply. There are other vigilance cases pending against the applicant.

5 Learned APP submitted that the investigation is still in progress and charge sheet is yet to be filed.

6 From the receipt produced by the learned counsel for the applicant, it is apparent that there is a settlement and the amount of Rs.1,43,000/-, was accepted by the complainant and apparently the electricity supply has been restored.

7 If the complainant has any other claims or dues to be paid by the applicant or any other vigilance cases, the complainant can certainly proceed against the applicant by initiating appropriate proceedings. The applicant was granted interim protection by this Court vide order dated 27th August, 2019, which is still in operation. The applicant was also directed to appear before the investigating officer, which is undisputedly complied by the applicant. Considering the factual aspects, the applicant need not be subjected to custodial interrogation. Interim protection can be confirmed.

:: ORDER ::

- (i) Anticipatory Bail Application No.1869 of 2019, is allowed;
- (ii) Interim order dated 27th August, 2019, is confirmed;
- (iii) In the event of arrest of applicant in connection with C.R.No.II-4693 of 2016, registered with Shantinagar Police Station, Bhiwandi, District-Thane, he is released on bail on executing P.R.Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;

(iv) Anticipatory Bail Application No.1869 of 2019,
stands disposed of.

(PRAKASH D. NAIK, J.)