

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.166 OF 2022

MANOJ S/O DATTATRAY PATIL
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. S. R. Patil, Advocate for applicant.
Mr. A. M. Phule, APP for the respondent – State.
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 24.02.2022

ORDER :-

. The applicant is apprehending his arrest in connection with Crime No.07 of 2022 registered with Raver Police Station, Dist. Jalgaon for the offences punishable under Sections 353, 323, 504, 506 of Indian Penal Code.

2. Heard learned Advocate Mr. S. R. Patil for the applicant and learned APP Mr. A. M. Phule for the respondent – State. In order to cut short, it can be said that both of them have made submissions in support of their respective contentions.

3. Perusal of the FIR would show that it has been lodged by one Satish Ramkrushna Sangle, who is the Technical Officer in Maharashtra

State Electricity Distribution Company Limited (for short 'MSEDCL). It is alleged that when informant had asked the applicant about the outstanding electricity bill, he has used criminal force i.e. slapped and abused the informant, who is the public servant and was there at the spot because of his duty as public servant. Further minute perusal of the FIR would show that the electricity supply to the shop of the present applicant was cut on 06.01.2022 around 1.00 p.m. But then on 08.01.2022, it was found at about 5.00 p.m. that he has taken unauthorized connection and was using it. The informant says that after they had again cut the electricity supply, the applicant had given phone call at about 5.45 p.m. and abused the informant. Informant states that he and one Kalpesh Patil went to the shop of informant around 6.00 p.m. when the alleged criminal force was used against him. The reason as to why the informant should go again to the said place is undigestible. He says that in order to persuade the applicant, he had gone there. When the informant, according to him, has done his duty regarding cutting and again temporarily disrupting the supply, whether his visit to the shop of the applicant at 6.00 p.m. in order to persuade him can be said to be within "official duty" will have to be decided by the Trial Court. There is no charge of electricity theft against the applicant. Under such circumstance, the interim protection granted

earlier by this Court on 10.02.2022 deserves to be confirmed. Hence, the following order :-

ORDER

- I) Application stands allowed.
- II) The ad-interim protection granted earlier by this Court vide order dated 10.02.2022 stands confirmed and made absolute. In other words, in the event of arrest of applicant – Manoj Dattatray Patil in connection with Crime No.07 of 2022 registered with Raver Police Station, Dist. Jalgaon for the offences punishable under Sections 353, 323, 504, 506 of Indian Penal Code, he be released on P. R. Bond of Rs.30,000/- with two sureties of Rs.15,000/- each.
- III) The applicant shall not tamper with the evidence of the prosecution, in any manner.
- IV) He should not indulge in any criminal activity.
- V) He should cooperate with the investigation.

[SMT. VIBHA KANKANWADI, J.]

scm