

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.246 OF 2022

Najim Kasim Shaikh

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Satyam H. Nimbalkar for the Applicant.

Ms.M.R. Tidke, APP for the Respondent –State.

**NILAM
SANTOSH
KAMBLE**

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NILAM SANTOSH
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CORAM : C.V. BHADANG, J.

**DATE : 2 FEBRUARY 2022
(Through Video Conferencing)**

P.C.

. The Applicant apprehending arrest in connection with the investigation of Crime No.717 of 2019 registered with Baramati City Police Station, District-Pune(Rural) under Section 135 of the Indian Electricity Act is seeking anticipatory bail.

2. The prosecution case as disclosed from the complaint of Rajesh Balu Bhagat who is working as a Assistant Engineer with the Maharashtra State Electricity Distribution Company Limited, (MSEDCL) at Bawda is that the Applicant was found to have obtained an unauthorized electricity connection by taping on the electricity distribution line. This was disclosed on 5 September 2019 in which it was found that the Applicant has unauthorizedly used 5371 units of electricity worth Rs.33,383/-.

The FIR recites that a bill for Rs.33,383/- along with the compounding fee of Rs.5,000/- has been issued to the Applicant which he has not paid.

3. The learned counsel for the Applicant states that the Applicant does not hold any agricultural land at the location not obtained any unauthorized field and he has connection. The learned counsel for the Applicant on instructions states that without prejudice to his contention the Applicant is ready and willing to deposit Rs.38,383/- with the MSEDCL on or before 11 February 2022 under protest and shall produce the receipt before the Investigating Officer.

4. The learned Additional Public Prosecutor has pointed out that on account of the obtaining of the unauthorized connection one person has been electrocuted and the offence is serious.

5. However, the learned counsel for the Applicant pointed out that the Applicant has been released on bail on 16 December 2019 in Criminal Application No.1231 of 2019 in that offence.

6. Considering the overall circumstances, and the statement made on behalf of the Applicant and further having

regard to the fact that in such case of the theft of the energy, there is no question of recovery of any article, the following order is passed.

ORDER

(i) In the event of his arrest, in connection with investigation of Crime No.717 of 2019 registered with Baramati City Police Station, District-Pune(Rural), the applicant shall be released on bail on executing a P.R. Bond in the sum of Rs.20,000/- with one or two solvent sureties in the like amount.

(ii) This shall be further subject to the condition that the Applicant deposits the amount of Rs.38,383/- with the MSEDCL on or before 11 February 2022 and shall intimate the Investigating Officer accordingly along with proof. This shall be without prejudice to the contentions raised on behalf of the Applicant.

(iii) The applicant shall report to the investigating officer on 11 February 2022 between 11.00 a.m. to 1.00 p.m. and as and when required by the investigating officer and shall co-operate with the investigating agency.

(iv) In the event the Applicant fails to deposit the amount or to produce the receipt/proof of payment this order shall stand vacated without reference to the Court.

(v) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.