

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1026 OF 2022

Dr. Pradeep Mewalal Jaiswal ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Ramesh Dubepatil a/w. Mr. Bhavana Dubepatil, for the Applicant

Mr. P.G. Gaikwad, APP, for the State.

CORAM : N. J. JAMADAR, J.

DATE : JUNE 22, 2022

P.C.:

1. Heard the learned counsel for the applicant.
2. This is an application for pre-arrest bail in connection with C.R. No. 42 of 2022 registered with Ghoti police station, Nashik for the offences punishable under sections 135 and 138 of the Indian Electricity Act, 2003.
3. The indictment against the applicant is that the applicant is the consumer of electricity provided at 'Saimeva Foods and Beverages' which is located on the ground floor, Saimeva Accident and General Hospital, Ghoti. Since 14 months prior to the lodging of the report, there was theft of the electricity at the said premises by with tampering the electric meter and equipments, to the tune of 221856 units for which a bill of Rs. 40,37,470/- was raised.
4. The learned counsel for the applicant submits that as the

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electricity was disconnected, a Suit being Special C.S. No. 444 of 2022 was instituted in the Court of learned Jt. Civil Judge, Senior Division. By an order dated 27th April, 2022 the learned Civil Judge directed MSEDCL Ltd. to restore the electric supply subject to payment of 50% of the amount of Rs. 40,37,470/-, for which the bill had been raised by MSEDCL Ltd.

5. The learned counsel for the applicant submits that in terms of the aforesaid order the applicant has deposited a sum of Rs. 20,18,735/-. A copy of the order passed by the learned Civil Judge is tendered for the perusal of the Court.

6. In view of the aforesaid submission and deposit of 50% of the amount of bill, raised by MSEDCL Ltd., and having regard to the nature of the accusation, custodial interrogation of the applicant is not at all warranted. The applicant appears to have roots in society to tie him down to the place of abode and profession. Possibility of fleeing away from justice is extremely remote.

Hence, the following order.

ORDER

- 1] The application stands allowed.
- 2] In the event of arrest in C.R. No. 42 of 2022 registered with Ghoti police station, Nashik for the offences punishable under

sections 135 and 138 of the Indian Electricity Act, 2003 the applicant be released on bail on executing a P.R. bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

3] The applicant shall cooperate with the investigation and report to the concerned investigating officer as and when directed.

4] The applicant shall regularly attend the proceedings before the jurisdictional Court.

(N. J. JAMADAR, J.)