

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 458 OF 2022

Kishor Ramkrishna Savarkar and another

Versus

State of Maharashtra, thr. PSO., P.S. Dahihanda, Tq. Akot, Distr. Akola.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri U.J.Deshpande, Advocate for the applicants.

Shri Ashirgade, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 01/08/2022

1. The applicants are seeking pre-arrest bail in Crime No.226 of 2022, registered with Police Station Dahihanda, District Akola, for the offences punishable under Sections 406 and 420 of the Indian Penal Code and Sections 138 and 139 of the Indian Electricity Act.

2. Learned counsel for the applicants submits that the applicants are not employees of the MSEDCL but they are the Meter Readers, appointed by the Contractor and therefore, they are not connected with the alleged offence.

3. He further points out that the main allegations about tampering of Meter is against accused No.3 and not the present applicants. It is submitted that, thus, considering the allegations made in the FIR, it can be seen

that serious allegations are against the accused No.3 and not the applicants.

4. Learned counsel for the applicants further points out that, the applicants are on ad-interim anticipatory bail and they attended the concerned Police Station and cooperated the Investigating Officer in investigation. Accordingly, he submits that further custodial interrogation of the applicant is not necessary.

5. On the other hand, learned APP strongly opposed the present application and submits that the statement of the owner is sufficient to show that the applicants are involved in the alleged offence.

6. It is pointed out that, the applicants have collected Rs. 100/- per month, for three months, for the purpose to charge lessor amount from the owner, by tampering the Meter. Accordingly, he prays for rejection of the present application.

7. I have perused the Case-diary and FIR filed by the State.

8. From the FIR, it can be seen that serious allegations are made against accused No.3-Gowardhan Wankhede, who is an employee of the MSEDCL. Whereas, except for the statement of the owner that the applicants collected Rs. 100/- per month for three months, there are no allegations of tampering with the Electric Meter. The applicants have attended the concerned Police Station as directed by this Court.

9. Thus, considering the allegations against the applicants, I am of the opinion that the purpose would be served, if the applicants are directed to attend the concerned Police Station and cooperate the Investigating Officer in investigation, by confirming pre-arrest bail. Accordingly, I pass the following order:

- a] Criminal Application is **allowed**.
- b] The order granting *ad interim* anticipatory bail dated 29/06/2022, is hereby confirmed.
- c] The applicants shall attend the concerned Police Station from 17/08/2022 till 22/08/2022 between 10.00 a.m. to 12.00 noon, and thereafter as and when their presence is required.

[ANIL S. KILOR, J.]