

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1463 OF 2023

SAINATH RAJENNA YELPAGAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. V. V. Bhavthankar
APP for Respondents: Mr. S. W. Munde
...

CORAM : R.M. JOSHI, J

DATE : SEPTEMBER 13, 2023

PER COURT :

1. Applicant apprehends arrest in connection with C.R. No. 191 of 2023 registered with Dharmabad Police Station, Dist. Nanded for the offences punishable under Sections 353, 323, 504 of Indian Penal Code.

2. First informant is the lineman working with Electricity Company. According to him, on 03.08.2023 at around 09.10 am he had been to the spot and found that there is theft of electricity by applying hook. When the informant has asked Applicant as to whose hook is it, he replied that this is his hook. However, he refused to remove the same. The said hook was removed by the informant. Being aggrieved by the same, Applicant rushed on his person and caught-hold of his

collar.

3. Learned Counsel for the Applicant states that he is regularly paying electricity bill and his two valid connections. To support the said submissions, he placed reliance on the invoices issued by the Electricity Company in this regard. It is his further submission that at the instance of rivals, present report has been lodged.

4. Learned APP opposed the application by referring to the allegations in the FIR which are supported by statements of two witnesses. It is thus, his contention that case is made out for offence punishable under Section 353 of IPC.

5. Applicant has come out with a specific case that he has two electricity connections which are validly installed at his place. *Prima facie* document is placed on record indicate that the electricity bill is paid by him. In such circumstances, having regard to the nature of offence and as the same does not involve custodial interrogation, the application is allowed. Hence, the order:

O R D E R

- (i) In the event of arrest the Applicant in connection with C.R. No. 191 of 2023 registered with Dharmabad Police Station, Dist. Nanded for the offences punishable under Sections 353, 323, 504 of IPC, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one surety in the like amount.
- (ii) He shall attend the concerned police station once in fortnight till filing of the charge-sheet.
- (iii) He shall not contact the witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.
- (v) He is further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)

Malani