

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

ANTICIPATORY BAIL APPLICATION NO.1174 OF 2023

Afsar Usman Khan ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Mr. Khwaja Shaikh with Mr. Abhay G. Dojas for the Applicant.
Mr. R.M. Pethe, APP for Respondent-State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 20th APRIL, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R. No.336 of 2022 registered with Bangur Nagar Police Station, Mumbai, for the offences punishable under Sections 135, 138 and 150 of the Indian Electricity Act, 2003.

2. Heard Mr. Shaikh, learned counsel for the Applicant and Mr. Pethe, learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The Applicant and other co-accused have committed electricity theft. The maximum sentence for the offence is of three years. It is stated that co-accused have been released on bail and that the charge-sheet has been filed against them.

4. Considering the above facts and circumstances, this is not a case, which would justify custodial interrogation. Hence, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R.

No.336 of 2022 registered with Bangur Nagar Police Station, Mumbai, the Applicant shall be released on bail on furnishing PR bonds in sum of Rs.25,000/- with one or two sureties to the like amount;

(ii) The Applicant shall report to the concerned

Investigating Officer for a period of two days i.e. 24/04/2023 and 25/04/2023 between 10.00 a.m. to 2.00 p.m. and thereafter as and when required by the Investigating Officer;

(iii) The Applicant shall not tamper with the prosecution evidence and or influence the

witnesses in any manner.

- (iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

5. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)