

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

ANTICIPATORY BAIL APPLICATION NO. 1250 OF 2023

Abdul Mohammad Badakar ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Kuldeep U. Nikam, with Mr. Surajsingh S. Malas, for
Applicant.

Mr. R. M. Pethe, APP for State.

CORAM:- N. J. JAMADAR, J.

DATED:- 31st AUGUST, 2023

P.C.:-

- 1) Heard the learned counsel for the applicants and the learned APP for the State.
- 2) This is an application for pre-arrest bail in connection with C.R. No. 163 of 2023, registered with Jath police station, Sangli, for the offences punishable under Sections 186, 341, 504, 506 read with Section 34 of Indian Penal Code, 1860 and Section 135 and 138 of Indian Electricity Act, 2003.
- 3) The applicant along with co-accused had preferred an application for pre-arrest bail before the Court of Session at Sangli. By an order dated 19th April, 2023, the learned

Additional Session Judge was persuaded to grant pre-arrest bail to accused Nos. 2 to 4. It seems that the application of the present applicant came to be rejected as the applicant had allegedly accosted the officers of the distribution company and committed criminal intimidation.

4) By an order dated 27th April, 2023, this Court had granted interim protection.

5) I have perused the allegations in the FIR. All the offences punishable under Indian Penal Code appear to be bailable.

6) The amount of unauthorised use of the electricity is quantified at Rs.10,300/- only. As regards the allegations of criminal intimidation, even if the prosecution case is taken at par, the custodial interrogation of the applicant does not seem to be warranted. The applicant has roots in the society. Possibility of fleeing away from justice and tampering with evidence appears to be remote. Hence, I am inclined to allow the application.

7) Thus, the following order.

ORDER

I) The application stand allowed.

II) In the event of the arrest of the applicant in connection with C.R. No. 163 of 2023, registered with

Jath police station, Sangli, for the offences punishable under Sections 186, 341, 504, 506 read with Section 34 of Indian Penal Code, 1860, the applicant be released on bail on executing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

III) The applicant shall co-operate with the investigation and appear before the Investigating Officer as and when directed.

IV) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

V) The applicant shall regularly attend the proceedings before the jurisdictional Court.

V) The application stands disposed.

[N. J. JAMADAR, J.]