

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2953 OF 2023

Ganesh Anil Kand ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Shekhar Jagtap a/w. Mr. Venkatesh Shinde i/b. J. Shekhar &
Co., for the Applicant
Mr. M.G. Patil, APP, for the Respondent/State.
Mr. Gaikwad, HC, Lonikand police station.

CORAM : N. J. JAMADAR, J.
DATE : OCTOBER 23, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 54 of 2023 registered at Lonikand police station for an offence punishable under section 135 of the Electricity Act, 2003.
3. The first informant lodged a report with the allegations of committing theft of electricity of 74830 units and thereby causing wrongful loss to MSEDCL to the tune of Rs. 15,81,840/- towards the electricity charges. A bill was raised on 12th January, 2023. However, the amount of the bill was not paid. Hence, the report.
4. The learned counsel for the applicant submitted that the

applicant had paid the amount on 13th February, 2023.

5. The learned APP on instruction submits that the investigation is complete and charge-sheet has been lodged. Attention of the Court was invited to a communication dated 16th March, 2023 addressed by the Dy. Executive Engineer, Hadapsar Division on 13th February, 2023 to the effect that the applicant has deposited a sum of Rs. 15,81,840/- against the bill raised in respect of the alleged theft of the electricity. However, the compounding charges were not paid.

6. In the aforesaid view of the matter, at this stage, the custodial interrogation of the applicant is not warranted. I am, therefore, inclined to exercise the discretion in favour of the applicant.

7. In the event of arrest in C.R. No. 54 of 2023 registered with Lonikand police station, the applicant Ganesh Anil Kand be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

8. The applicant shall cooperate with the investigation and attend Lonikand police station as and when directed.

9. The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

10. The applicant shall regularly attend the proceedings before the jurisdictional Court.

11. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)