



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 248 OF 2024

Gajanan Madhusudan @ Madhukar Jadhav

....Applicant

VERSUS

The State Of Maharashtra And Another

...Respondents

.....

Mr. S.G. Kawade, Advocate for applicant.

Mr. C.V. Bhadane, APP for State.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 08th MARCH, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No. 162 of 2023, registered with Bhoom Police Station, Dist. Osmanabad, for offences punishable under sections 135 and 138 of Electricity Act.

2. FIR is lodged by Pradip More, Additional Executive Engineer, Flying Squad, alleging that accused owns a shop, 'New Ambika Bakery' at Kallam. There was single phase meter in the said shop. When they inspected said electric meter they found that there was tampering of the meter. A resistant was installed in black city secondary wire. They found that there was theft of electricity of Rs. 1,84,474/-, of 8312 units.

3. Heard learned advocate for applicant and learned APP for respondents. Perused the investigation papers.

Bhagyawant Punde

4. It is the case of applicant that there is delay of 57 days in lodging FIR. He was given excess bill on the ground of theft of electricity, which is challenged by him by approaching District Consumer Dispute Rederessal Forum. Interim order is passed by forum directing applicant to deposit amount of Rs. 50,000/-. Applicant has deposited said amount on 07.03.2024. Copy of the same is placed on record.

5. Considering the above factual matrix and since applicant is prosecuting legal remedy available to him and as nothing is to be recovered from him, pre-trial custodial detention of applicant is not necessary.

6. In the result, application is allowed by confirming interim protection order dated 23rd February, 2024.

7. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by investigating officer and shall co-operate in the investigation. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]