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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 4770/2025 & CRL.M.A. 36703/2025**

SHAHZAD

.....Petitioner

Through: Mr. Deepak Kohli and Mr. Ajay
Gupta, Advs.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for the
State.

Mr. Divyam Nandrajog and Mr.
Dhruv Kaushik, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

16.12.2025

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1. The Applicant is implicated in case FIR No. 325/2018 dated 31st December, 2018, registered at P.S. Sadar Bazar, for the offence punishable under Section 135 of the Electricity Act, 2003.
2. The Applicant was admitted to bail in the earlier proceedings on 20th March, 2024. At that stage, the Applicant expressed his willingness to settle the matter and was accordingly referred to the Mediation Centre. In the said proceedings, the Applicant undertook to pay a sum of INR 1,95,000/- towards full and final discharge of liability arising out of eight enforcement bills generated pursuant to various inspections, payable in fifteen monthly instalments. However, the Applicant neither paid the instalments nor appeared before the Court thereafter.
3. In view of the above conduct, the Trial Court, by order dated 12th February, 2025, issued warrants against the Applicant. The said warrants



were received back unexecuted on 4th July, 2025, as the Applicant was reported to be out of station. Subsequently, on fresh warrants, the Applicant was produced before the Court on 14th November, 2025 and was taken into custody.

4. The Applicant thereafter applied for bail, which was dismissed on 15th November, 2025. The subsequent bail application was also declined by order dated 24th November, 2025.

5. The Applicant submits that the disputed liability of INR 1,95,000/- now stands fully paid. He has applied for a regular electricity connection. The Applicant, through counsel, also undertakes that in the event any other outstanding dues are found payable, the same shall be cleared within fifteen days from the date of his release on bail.

6. Mr. Divyam Nandrajog, counsel for BSES Yamuna Power Ltd., as well as Mr. Hemant Mehla, APP for the State, oppose the bail application. They submit that although Courts ordinarily adopt a liberal approach in cases relating to electricity theft, such indulgence is extended only where the accused demonstrates *bona fide* conduct and a genuine intention to clear outstanding liabilities. It is contended that the present Applicant does not deserve such indulgence.

7. It is argued that the Applicant has been indulging in direct theft of electricity, as he does not possess any authorised electricity connection. On multiple inspections, the Applicant was found committing electricity theft, resulting in the generation of enforcement bills on several occasions. It is further submitted that even after the settlement arrived at during mediation, the Applicant was found involved in other electricity theft cases, thereby demonstrating that he is a habitual offender.



8. It is further contended that the Trial Court was constrained to curtail the liberty of the Applicant owing to his conduct during the proceedings. The impugned orders dated 15th November, 2025 and 24th November, 2025, specifically noted that releasing the Applicant on bail would pose a serious risk of reoffending. Additionally, the Applicant has demonstrated a risk of absconding, as production warrants issued against him returned unexecuted on the first occasion. In these circumstances, there is no infirmity in the view taken by the Trial Court.

9. The Court has considered the aforesaid submissions. Indeed, the conduct of the Applicant, as noted in the impugned orders, cannot be approved. However, it is also noted that the disputed liability under the eight enforcement bills, amounting to INR 1,95,000/-, now stands settled. The Court also takes on record the undertaking given by counsel for the Applicant that any further outstanding dues, if found payable, shall be cleared within fifteen days from the date of his release. It is further noted that the Applicant has applied for an authorised electricity connection. The Applicant has remained in custody for more than a month and was earlier on bail; his custody was necessitated primarily due to his non-appearance and involvement in other electricity theft cases subsequent to the settlement arrived during mediation.

10. Having regard to the totality of circumstances, including the payment of the settled amount, the period of custody undergone, the undertaking furnished on behalf of the Applicant and the steps taken towards obtaining a lawful electricity connection, the Court is inclined to enlarge the Applicant on bail.

11. The Applicant is, therefore, directed to be released on bail on



furnishing a personal bond for a sum of INR 25,000 with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall cooperate with the investigation as and when directed by the concerned Investigating Officer;
- b. The Applicant shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts of the case, nor shall he tamper with the evidence in any manner whatsoever;
- c. The Applicant shall not leave the country without prior permission of the Trial Court;
- d. The Applicant shall appear before the Trial Court as and when directed;
- e. The Applicant shall furnish the address of his residence after release and shall not change the same without prior intimation to the concerned IO/SHO;
- f. The Applicant shall provide his mobile phone number to the concerned IO/SHO and shall keep the same operational at all times;
- g. The Applicant shall report to the concerned Police Station on every second Tuesday of every third month. It is clarified that he shall not be made to wait for more than one hour.

12. In the event of there being any FIR / DD entry / complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

13. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on



the merits of the case.

14. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

DECEMBER 16, 2025/ng