

**ORDER BELOW EXH.1 IN BAIL APPLICATION
NO.1297/2019.
(CNR No. MHAU01-005123-2019)**

1 This application has been moved by the applicant for getting anticipatory bail in connection with Crime No.322/2019 registered with CIDCO Police Station Aurangabad for the offence under sections 135 of the Indian Electricity Act.

2) According to the prosecution case, on 28/02/2018, one Ajay Sudhakar Bhangde, Executive Engineer MSEB lodged the report. According to him, on the date of incident about 14-50 hours, he himself and his staff carried out raid in the Hotel of the applicant. While inspection, it reveals that the meter is running slowly. On suspicion the meter was sealed and forwarded for examination. In examination it reveals that the tampering was done with the meter to slow down its speed. In such circumstances, he then lodged the report.

3) According to the Ld. Counsel for the applicant, the applicant has already filed civil suit connected with the said matter. It is his case that the applicant is falsely implicated in the matter. According to him,

the custodial interrogation is not required. He has pointed out that the applicant is ready to co-operate during investigation. The Ld. Counsel for the applicant further pointed out that the applicant is ready to abide by any conditions. Hence he has prayed for granting anticipatory bail.

4) Per-contra, the Ld. P.P. has opposed the application. According to him, the offence is against the public interest and thereby the applicant caused wrongful loss to the State. It is his case that in such circumstances no question arises of granting anticipatory bail.

5) In the light of facts involved, argument heard, following point arises for my consideration and I have noted my finding against them for the reasons stated there below.

	POINT		FINDING
	Whether applicant is entitled for getting anticipatory bail ?	:-	In the affirmative

Reasons

As to Point:-

6) It reveals from the material on record that the applicant has filed civil suit in the matter, however, the same is for other relief. It is

not the case wherein the applicant asked for stay to assessment bill which the Ld. Counsel has shown during argument. It reveals that the assessment bill is for the payment of more than rupees one Lakh. During the course of argument, Ld. Counsel submitted that if this court feels, the applicant is ready to pay 25% of the amount of assessment bill.

7) On going through the circumstances, there remains no doubt that custodial investigation is not required. Further the applicant is ready to co-operate and deposit some thing against the assessment bill issued by the MSEB under protest. In such circumstances, in my mind, by imposing suitable conditions, anticipatory bail needs to be granted. Hence I answer point under reference in the affirmative and pass the following order.

ORDER

1 The Criminal Bail Application No. 1297/2019 is allowed.

2) In the event of arrest of applicant Faisal Ahmed S/o Mushtaq Ahmed in crime No. 322/2019 registered at CIDCO P.S. Aurangabad for the offences punishable under section 135 of the Indian Electricity Act, he is directed to be released on furnishing Bail Bond and P.R. Bond of

Rs.15,000/- with one or two sureties in the like amount on following conditions.

- 3) The applicant is directed to co-operate in investigation in whatsoever manner lawfully required by the police till filing of charge-sheet.
- 4) He is further directed not to tamper with prosecution side evidence.
- 5) He is further directed to leave addresses and details of his two relatives & two friends with contact numbers in the concerned police station.
- 6) He is directed not to leave District Aurangabad without giving intimation in writing to the Investigation Officer.
- 7) He is further directed to deposit in the office of MSEB Aurangabad Rs.50,000/- towards security and out of which Rs.25000/- directed to be paid on or before 25/06/2019 and the next instalment of Rs.25000/- within one month. The said amount will directed to be utilized/ adjust after completion of either civil suit or other proceeding and on issuing final bill by the MSEB.
- 8) Applications are accordingly disposed of.

Dated 21.06.2019

(H. S. Mahajan)
Additional Sessions Judge-2,
Aurangabad.

Order below Exh.1 in Bail Application
No.1297/2019.

CERTIFICATE

I affirm that the contents of this P.D.F. file order is same and as per the original order.

Name of the Stenographer	: Md Shafee Md Amiroddin
Court	: (H.S. Mahajan), Additional Sessions Judge–2, Aurangabad.
Date of Order	: 21.06.2018
Order signed by the Presiding officer on	: 21.06.2019
Order uploaded on	: 21.06.2019