

Special Case No. 168 of 2024

State of Maharashtra

Vs.

Shaikh Kalim Shaikh Salim

ORDER BELOW EXH. 19

[1] Accused - **Shaikh Kalim Shaikh Salim** has filed this **Third** application for grant of **bail** under Section **483** of the **Bhartiya Nagarik Suraksha Sanhita**.

Brief facts of the prosecution case are as under :-

[2] On 29.08.2024 at about 11.28 a.m., informant – Sanidhya Ravindra Zha, C.E.O. of Malegaon Power Supply Company Ltd., along-with other officers of the said Company, effected raid at the Plastic Factory of the accused situated at Gat No. 163/4 at Mhalde, Tal. Malegaon. At that time, on inspection it was found that the accused and his associates were running Plastic Industry and they were using electric load of 15152 Watt in the said factory directly from the electric pole without having electric meter. Then, the informant and his officials seized wire etc., and it was found that electricity of approximate Rs.10,86,000/- was stolen by the accused and his associates.

[3] The informant lodged FIR. Accordingly, Crime vide C.R.No.I-473/2024 came to be registered. The accused came to be arrested on 01.10.2024. His First Bail Application No. 1010 of 2024 was rejected by this Court on 22.10.2024. Thereafter, he filed Bail Application No. 5076 of 2024 before the Hon'ble High Court, Bombay. However, it was withdrawn by the applicant/accused on 18.02.2025. The Hon'ble High Court, vide order dated 18.02.2025 allowed to withdraw the said application, with liberty to file fresh application for bail before the Sessions Court. Thus, the applicant/accused has filed this **third** application for grant of **bail**.

[4] I have heard both the sides and perused the material placed on the record.

[5] After filing of this application, the applicant/accused has filed one another application (Exh.22) and thereby submitted that he has already deposited Rs.5,60,000/- (Rs. Five Lakh Sixty Thousand only) towards payment of bill of alleged stolen electricity, in the Court. He has further submitted that he is ready to deposit remaining amount of bill in certain installments, schedule of which is mentioned below. :-

Sr. No.	Date .	Amount
01.	21.02.2025	Rs.5,60,000/- (Already deposited in the Court)
02.	20.03.2025	Rs.2,80,000/-
03.	22.04.2025	Rs.2,80,000/-
04.	21.05.2025	Rs.1,20,000/-
05.	19.06.2025	Rs.1,20,000/-
06.	22.07.2025	Rs.1,20,000/-
07.	21.08.2025	Rs.1,20,000/-
08.	23.09.2025	Rs.1,20,000/-
09.	21.10.2025	Rs.1,20,000/-
	Total Amount	Rs.18,40,000/-

[6] On the other hand, Learned Advocate for the Malegaon Power Supply Company i.e. the original informant and its C.E.O. have submitted that already the applicant/accused has deposited an amount of Rs.5,60,000/- as against the bill of stolen electricity and he is ready to deposit remaining amount of bill, in eight (8) installments as mentioned in the above schedule. If the applicant/accused is ready to deposit remaining amount of bill as per the schedule, then on such terms and conditions, they have no objection to release the applicant/accused on bail.

[7] It appears that there are certain provisions in the Electricity Act, as regards to compounding of offence, under section 135 and 138 of the said Act. It is the main interest of the original informant i.e. Malegaon Power Supply Company Ltd., to recover the applicant/accused price of the stolen electricity. In the circumstances, if the applicant/accused is ready to deposit amount of electricity bill to the satisfaction of the concerned Power Supply Company, then in my opinion, there should not have been any hitch to grant bail to the applicant/accused, on certain terms and conditions because in such circumstances, no purpose of the prosecution would be sufficed by keeping the applicant/accused behind bars, for indefinite period.

[8] Having regard to the above mentioned facts and circumstances of the case, I am of the opinion that the applicant/accused is entitled for grant of **bail**. In the result, the application deserves to be allowed. I, therefore, pass the following order. :-

ORDER

[1] Applicant/Accused - **Shaikh Kalim Shaikh Salim**, be released on his executing PR. Bond of **Rs.1,00,000/-** (Rs. One Lakh only) with **solvent surety** of like amount on the conditions that :-

(a) he shall deposit remaining amount of money, in the Court or pay directly to the Malegaon Power Supply Company Ltd., as per the Schedule mentioned in application **(Exh.22)**, without fail.

(b) he shall attend **Pawarwadi Police Station, Malegaon**, Tal. Malegaon Dist. Nashik, from 11.00 a.m. to 1.00 p.m. on every 2nd and 4th **Saturday of each English Claendar month**, till the end of the month of **October'2025**.

(c) he shall not tamper with the prosecution evidence in any manner and shall co-operate with the police machinery as and when required.

(d) at the time of furnishing bail, he shall produce on record proof of his permanent residence such as Aadhar Card / Ration Card / Electricity bill etc.

[2] Any failure on the part of the applicant/accused, in depositing money, as per the Schedule mentioned in application **(Exh.22)**, the **bail** granted to him, will automatically stands cancelled, without making any reference to this Court.

Date : 07.03.2025

(S.B. Bahalkar)
Additional Sessions Judge,
Malegaon.