



**IN THE COURT OF ADDITIONAL SESSIONS JUDGE VADUJ, TALUKA  
KHATAV, DISTRICT SATARA.**

**Special Case (Electricity) No: 5/2010**

**Maharashtra Rajya Vidyut Mandal : Complainant**

**Vs.**

**Mahadeo Bhagwan Chavan : Accused**

**Name of applicant - Mahadeo Bhagwan Chavan**

**ORDER BELOW EXH.9**

1. The accused has filed the present bail application under Section 439 of the Code of Criminal Procedure. The private complaint punishable under Sections 135 and 138 of the Electricity Act, 2003, has been registered against the accused.

2. The prosecution's case, in brief, is that on 12/01/2005, the accused was found using a tampered electric meter, allegedly bypassing the same to enable unauthorised electricity consumption. Consequently, the concerned authority filed a private complaint against the accused before the Court.

3. It appears from the record that the accused did not remain present before the Court during the proceedings. Therefore, the Court issued a Non-Bailable Warrant (NBW) and subsequently proclaimed him.

The police thereafter traced the accused and arrested him in execution of the said non-bailable warrant.

4. The accused has preferred the present bail application on the following grounds:

1. He has not committed any offence, and he has been falsely implicated on suspicion.
2. He was not aware of the pendency of the criminal proceedings.
3. Nothing remains to be seized from him;
4. His arrest has adversely affected his family, and they would face starvation in case of his prolonged incarceration.
5. He is not a habitual offender.
6. He is ready and willing to abide by any terms and conditions imposed by the Court.

On these grounds, he has prayed for the grant of bail.

5. The Investigating Officer has filed a reply opposing the application. It is contended that the offence is serious in nature and the accused had remained absconding for a long period. It is further contended that if the accused is released on bail, there is every likelihood that he may again abscond, commit similar offences, and disregard the process of law. Therefore, the Investigating Officer has prayed for rejection of the application.

6. The learned Additional Public Prosecutor has filed pursis at Exh.12 and adopted the reply filed by the Investigating Officer. The original complainant is also present before the Court but has not filed a separate reply.

7. Considering the application, the reply filed by the Investigating Officer, and the submissions advanced by the learned advocate for the accused and the learned Additional Public Prosecutor, the following points arise for my determination, and my findings thereon are as stated below for the following reasons:

Sr. No.	Points	Findings
(i)	Whether the applicant is entitled ... to bail?	In the affirmative subject to conditions.
(ii)	What order? ...	The application is allowed subject to conditions.

### REASONS

#### As to point Nos. 1 and 2:

8. The learned advocate for the applicant submitted that the applicant had not committed any offence, and he was not aware of the criminal proceedings. It is further submitted that nothing remains to be seized from the applicant, and his continued detention would adversely affect his family's livelihood. The applicant has also undertaken to abide by any conditions imposed by the Court.

9. Per contra, the learned Additional Public Prosecutor opposed the application and adopted the reply filed by the Investigating Officer. It is contended that the offence is serious in nature and the applicant had remained absconding for a long time. According to the prosecution, if released on bail, the applicant may again abscond. The original complainant supported the argument of learned Additinal Public Prosecutor.

10. I have considered the application, the reply filed by the Investigating Officer, and the submissions advanced by both sides. The accusation relates to alleged tampering and bypassing of an electric meter, the documentary and technical evidence already collected by the concerned authority. At present, the applicant is arrested only in execution of the non-bailable warrant issued by the Court. No custodial interrogation appears necessary. The prosecution has also not shown that any recovery is to be effected from the applicant.

11. Though the applicant had remained absent earlier, his presence before the Court can be secured by imposing appropriate conditions. Prolonged detention of the applicant at this stage would not serve any useful purpose.

12. Having regard to the nature of the allegations, the stage of the proceedings, and the fact that the applicant is now in custody pursuant to execution of a non-bailable warrant, I am of the view that the applicant can be released on bail with suitable conditions to ensure his presence before the Court. Accordingly, point No. 1 is answered in the affirmative subject to conditions, and the following order is passed for point No. 2.

### **ORDER**

1. The bail application filed by the applicant under Section 439 of the Code of Criminal Procedure is allowed.
2. The applicant/accused Mahadeo Bhagwan Chavan shall be released on bail in connection with the Spl. Case No. 05/2010 punishable under Sections 135 and 138 of the Electricity Act, 2003, on executing P.R. bond of ₹50,000/- with one solvent local surety in the like amount, subject to the following conditions:

- i. The applicant shall appear before the Court on every date of hearing unless exempted by the Court.
  - ii. The applicant shall not tamper with the prosecution's evidence or attempt to influence the witnesses.
  - iii. The applicant shall not commit any similar offence while on bail.
3. The applicant shall furnish his correct residential address and mobile number to the Court and shall not change the same without prior permission of the Court.

Date:09/03/2026

(Vidyadhar B.Kakatkar)  
Additional Sessions Judge,  
Vaduj