

MHCC050069542022



**IN THE COURT OF SESSIONS AT DINDOSHI,
BORIVALI DIVISION, GOREGAON, MUMBAI.**

ANTICIPATORY BAIL APPLICATION NO.2076 OF 2022
IN
SPL LAC.NO.86 OF 2020

1.Hasinabi Majid Shaikh,

Aged : 55 years, Occu.:

Residing at : Sadabahar Mohalla,
Patkar Compound, Juhu Lane near
Shobha Ration Shop, Andheri (west)

2.Rasheed Shaukatali Shaikh,

Aged : 55 years, Occu.:

Residing at : Sadabahar Mohalla,
Patkar Compound, Juhu Lane near
Shobha Ration Shop, Andheri (west)

3.Chandbi Gulam Haidar Shaikh,

Aged : 68 years, Occu.:

Residing at : Sadabahar Mohalla,
Patkar Compound, Juhu Lane near
Shobha Ration Shop, Andheri (west)

4.Nasim Dawood Shaikh,

Aged : 43 years, Occu.:

Residing at : Sadabahar Mohalla,
Patkar Compound, Juhu Lane near
Shobha Ration Shop, Andheri (west)

5.Bilkis Banu Mehboob Shaikh,

Aged : 68 years, Occu.:

Residing at : Sadabahr Mohalla,
Patkar Compound, Juhu Lane near
Shobha Ration Shop, Andheri (west)

...Applicants/accused.

V e r s u s

**The State of Maharashtra
(D.N.Nagar Police Station)**

...Respondent.

Shri V.N Bhandare, Advocate for the Applicant/accused.
Shri Sachin Jadhav, A.P.P for the State.

**CORAM : A.Z.KHAN,
Additional Sessions Judge,
Borivali Division, Dindoshi, Mumbai.
(C.R.NO.09)
Dt.03rd January, 2022**

O R D E R

1. The present application is filed by the applicants/accused for the Anticipatory Bail. Perused the application and say thereon vide Exh.3 Heard the learned advocate Shri V. N. Bhandare for the applicants/accused & the learned A.P.P Shri Sachin Jadhav for the State. I have gone through the case papers, say of the police and the documents. It is seen that the present applicants/accused alleged to have been committed the offences punishable u/s 135 of Electricity Act in SPL LAC.NO.86 OF 2020 wherein the offence is registered in D.N.Nagar Police Station, Mumbai.

2. It is pertinent to note here that the report lodged by the complainant Shrikant Raghunath Korgaonkar who is the Senior

Manager of the Adani Electricity Co. Ltd., (Vigilance Dept) and the statements of the witnesses and seizure panchnama etc clearly shows that the complainant had been to the spot of the incident on 23.11.2020 at Sadabahar Mohalla, Patkar Compound, Gilbert Hill Road, Behind Gilbert Hill Police Chowky, Andheri (west), Mumbai alongwith the other members where he found that the present applicants/accused committed the theft of the electricity of Rs.1,72,870.22/- illegally by putting wire etc whereby he prepared the spot cum seizure panchnama in the presence of the panchas.

3. Obviously, all the substantial investigation is completed by the Investigation Officer but the present applicants/accused is already paid the said amount of Rs.1,72,870.22/- Nothing has to be seized from the present applicants/accused. The applicants/accused are the permanent resident of Mumbai & the applicants/accused are ready to abide all the terms & conditions imposed by the Court & thus the purpose of the Investigating Officer would be solved if some reasonable conditions are imposed.

4. In such circumstances, I am of the view that this is the fit case in which the applicants/accused can be released on anticipatory bail u/s 438 of The Cr.P.C & thus I proceed to pass the following order.

ORDER

The application is hereby allowed.

The applicants/accused **1.Hasinabi Majid Shaikh,**
2.Rasheed Shaukatali Shaikh, 3.Chandbi Gulam Haidar Shaikh,

4.Nasim Dawood Shaikh & 5.Bilkis Banu Mehboob Shaikh be released in the SPL LAC.NO.86 OF 2020 u/s 135 of Electricity Act registered by D.N.Nagar Police Station on furnishing P.R & S.B of Rs.15,000/- (Rupees Fifteen Thousands Only) each with one surety each in the like amount in the event of the arrest.

The applicants/accused shall not tamper with the prosecution evidence in any manner.

(A.Z.Khan)

Additional Session Judge,
Borivali Div, Dindoshi,
Mumbai.

Date :- 03.01.2023.

Dictated on : **03.01.2023.**
Transcribed on : **03.01.2023.**
Checked and Signed on : **03.01.2023.**

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

03.01.2023 at 06.00 P.M.
UPLOAD DATE AND TIME

Ashok S. Sugdare
NAME OF STENOGRAPHER

Name of the Judge (With Court room no.)	SHRI. A. Z. KHAN (C.R. NO.09)
Date of Pronouncement of JUDGMENT/ ORDER	03.01.2023
JUDGMENT/ORDER signed by P.O. on	03.01.2023
JUDGMENT/ORDER uploaded on	03.01.2023