

MHCC050068752022



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

**ANTICIPATORY BAIL APPLICATION NO.2058 OF 2022
IN
SPL.LAC. NO.116 OF 2018**

1. MOHD. ARIF MOHD. ALI SHAIKH,

Aged : 45 years, Occu: Service,
Residing at : Room No.7, Hawaldar Chawl,
Cama Road, Gaon Devi, Dongari, Andheri (w),
Mumbai-400 058.

2. MR. MEHRUNNISA ISLAM SHAIKH,

Aged : 59 years, Occu: Housewife,
Residing at : Hawaldar Chawl,
Cama Road, Gaon Devi, Dongari,
Andheri (w), Mumbai-400 058.

...Applicants/accused

V e r s u s

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

...Respondent.

Shri Navin Shrivastava, Advocate for the Applicants/accused.
Shri Sachin Jadhav, A.P.P for the State.

**CORAM : A.Z.KHAN,
Additional Sessions Judge,
Borivali Division, Dindoshi, Mumbai.
(C.R.NO.9)**

DATE : 28th December, 2022

ORDER

1. The present application is filed by the applicants/accused for the Anticipatory Bail. Perused the application and say thereon vide Exh.3 etc. Heard the learned Advocate Shri Navin Shrivastava for the applicants/accused & the learned APP Shri Sachin Jadhav for the State. I have gone through the record, the case diary, say of the police and the documents. It is seen that the offence came to be registered against the present applicants/accused vide SPL.LAC.NO.116 OF 2018 at D.N.Nagar police station u/s 135 of the Indian Electricity Act.

2. It is pertinent to note here that the report lodged by the complainant Rajesh Pandit Sali who is the Senior Executive Officer of the Reliance Infrastructure Ltd and the statements of the witnesses and seizure panchnama etc clearly shows that the complainant had been to the spot of the incident on 26.06.2018 at 11.00 a.m at Sagar Developers SRA Scheme & Havaladar Chawl, Near Noor Masjid, Gaondevi Dongari, Gilbert Road, Andheri (West), Mumbai alongwith the other members where he found that the present applicants/accused committed the theft of the electricity of Rs.2,36,082.56/- illegally by putting wire etc whereby he prepared the spot cum seizure panchnama in the presence of the panchas.

3. Obviously, the documents filed by the parties on record clearly shows that the amount in dispute are already deposited by the present applicants/accused. The applicants/accused are the permanent resident of Hawaldar Chawl, Cama Road, Gaon Devi, Dongari, Andheri (w), Mumbai-400 058 & the Investigating Officer can investigate the matter without the presence of the applicants/accused and no prejudice

would be caused to the case of the prosecution. 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. MOHD. ARIF MOHD. ALI SHAIKH & 2. MR. MEHRUNNISA ISLAM SHAIKH** be released in the SPL.LAC. NO.116 OF 2018 u/s 135 of the Indian 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 & shall present before I.O as & when called at P.S.

(A.Z.Khan)
Additional Session Judge,
Borivali Div, Dindoshi,
Mumbai.

Date :28.12.2022.

Dictated on : **28.12.2022**
Typed on : **28.12.2022**
Signed on : **28.12.2022**

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

28.12.2022 at 04.30 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.9)
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Date of Pronouncement of JUDGMENT/ ORDER	28.12.2022
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JUDGMENT/ORDER signed by P.O. on	28.12.2022
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JUDGMENT/ORDER uploaded on	28.12.2022
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