

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Application No. 5310 of 2016

District : Beed

Netaji s/o. Shivaji Pande,
Age : 35 years,
Occupation : Labour,
R/o. Dhanor (B),
Taluka : Ambajogai,
District : Beed.

.. Applicant.

versus

The State of Maharashtra,
Through MSEB, P.S., Latur,
District : Latur.

.. Respondent.

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*Mr. M.S. Shaikh, Advocate, holding for
Mr. Sachin S. Deshmukh, Advocate, for the applicant.*

*Mr. S.P. Sonpawale, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 1ST OCTOBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 4322/2016 registered with MSEB (Mahavitaran), Latur, under Section 135 of the Indian Electricity Act, by this application, is seeking pre-arrest bail.

2. Heard the learned Counsel appearing for the applicant / accused. By taking me through the FIR, the learned Counsel argued that for recovery of the amount allegedly payable to the Maharashtra State Electricity Distribution Company Ltd. [**For short, "MSEDCL"**], custodial interrogation of the present applicant is not warranted. He argued that the applicant is falsely implicated in the crime in question.

3. The learned Addl. Public Prosecutor opposed the application by contending that the crime in question is serious and the applicant had not even paid the amount of fine.

4. Perused papers of investigation including the report lodged by Santaram Yeshwant Gitte, Junior Engineer of MSEDCL at Patoda. It is reported by the informant that because of heavy arrears, electricity supply connection to Akhil Beer Bar owned by present applicant Netaji s/o. Shivaji Pande was finally stopped in past. However, when the informant and his co-workers visited the spot on the basis of secret information, they saw that the applicant had obtained electricity supply directly from the main line by attaching hook to it and he was continuing his business at Hotel Akhil by means of stolen electricity. The informant assessed theft of electricity at 4500 units and assessed the amount of

fine at Rs. 77,440/- and Rs. 20,000/- towards the composition charges.

5. It is not dispute that the applicant had not paid the amount of fine or composition charges. The applicant was found to be stealing the electricity directly from the pole for running his establishment i.e. Akhil Beer Bar. The offence alleged against the applicant is non-bailable. Apart from this, even the learned Addl. Sessions Judge has observed that, in past, the applicant had filed a Civil Suit claiming injunction against the MSEDCL by challenging various bills for consumption of electricity. That suit was dismissed.

6. Considering the nature of offence and the evidence available against the applicant, no case for pre-arrest bail is made out.

7. The Application is accordingly rejected.

(A.M. BADAR)
JUDGE

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