

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

ANTICIPATORY BAIL APPLICATION NO. 222 OF 2016

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

Ms. Narendra Dubey for applicant.
Mr. S.H. Yadav, APP for State.
Mr. Bhushan J. Thoke, PSI, Kandivali Police St. present.

CORAM : A.S. GADKARI, J.
DATE : 25th February 2016.

P.C.:

- 1] The applicant apprehends arrest in CR No.136 of 2015 registered with Kandivali Police Station under Section 135 of the Indian Electricity Act.
- 2] The FIR is lodged by Shri Ajit Patil, Manager attached to Vigilance Cell of Reliance Infrastructure Ltd., the electricity provider Company to the premises of the applicant. It is stated in the said FIR that the applicant committed theft of electricity by unofficially connecting electricity wire to the meter provided to him. It is stated that by committing the theft of electricity, the applicant has caused loss of approximately of Rs.8,60,000/- to the said Company. The FIR itself discloses that the complainant with the help of Engineer of their Company have detected the said theft and thereafter lodged the FIR.

3] As far as the alleged recovery of the amount mentioned in the FIR is concerned, under the Indian Electricity Act, 2003 itself the consumer is provided with a remedy of making a representation before the Electricity Company for compounding the said offence. It is also to be noted here that unless and until the applicant pays the said amount to the complainant's Company, his electricity connection will not be restored.

4] In view of the peculiar facts of the case, I am of the opinion that the custodial interrogation of the applicant is not necessary. The interim relief granted by order dated 4.2.2016 is hereby confirmed.

5] The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)