

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1786 OF 2016

Ramlotan alias Bharat
Chandrikaprasad Mourya. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Kalpesh U. Patil, advocate for Applicant.

Mr. Vinod Chate, APP for State.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : SEPTEMBER 1, 2016**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 This is an application under Section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 26/7/2016 in Crime No. 183 of 2016 registered at Karad Taluka Police Station for the offence punishable under Section 136 of the Indian Electricity Act, 2003.

3 It is the case of the prosecution that on 7/6/2016 at about 10 p.m. there was theft of electric wire from the transformer of one Bhaskar Patil in City Survey No. 1079 at Mouje Atake. In the course of investigation, copper wires weighing 10 kgs. were recovered from the present applicant. The value of which is Rs. 70,000/-. Similarly, the copper coils were worth Rs. 57,850/- was recovered.

4 The learned Counsel for the applicant submits that the applicant has been in custody for more than one month. The offence is punishable up to 3 years and therefore, the applicant deserves to be enlarged on bail.

5 The learned APP submits that Crime No. 101 of 2016 at Pusegaon Police Station against the present applicant for similar offence. That he is permanent resident of Uttar Pradesh and there can be no assurance that he would be available either at the time

filing of charge-sheet or at the time of trial and therefore, according to the learned APP, the application deserves to be rejected.

6 Taking into consideration the nature of allegation and the fact that the offence is punishable up to 3 years, this Court is inclined to allow the application filed by the applicant, since there are various cases pending before the learned Magistrate.

7 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 439 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same while deciding the application for discharge or quashing of FIR or at the time of trial.

8 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or two solvent sureties in the like amount.

(iii) The applicant shall report to the concerned police station on every Tuesday and Friday between 10 a.m. to 12 noon and cooperate with the investigating agency for a period of 3 months.

(iv) The applicant shall not tamper with the evidence.

(v) The applicant shall furnish his residential address and contact details such as cell phone number, landline numbers etc., to the concerned Investigating Officer.

9 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)