

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 103 OF 2016

(AVDHUT SHRIRAM BAHE...VS..STATE OF MAH., THR. PSO, CIVIL LINES, AKOLA)

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : FEBRUARY 23, 2016.

Heard Shri S.V.Sirpurkar, advocate for the applicant and Shri H.R. Dhumale, APP for the non-applicant.

The applicant has approached this Court seeking pre-arrest bail apprehending arrest in Crime No.3020 of 2016, registered by the non-applicant for the offence punishable under Section 138 of the Electricity Act, 2003.

The allegations against the applicant are that he has interfered with the high tension electric line by repositioning the electric pole. According to the applicant, the electric pole was bent towards the property of the applicant where the construction is going on and further it caused obstruction in the construction. The applicant has stated that he had informed the authorities of MSEDCL orally and he was granted oral permission by the concerned authorities.

Shri S.V.Sirpurkar, learned advocate for the applicant has submitted that the allegations made against the applicant will not constitute offence punishable under Section 138 of the Electricity Act, 2003 and at the most it may be an offence punishable under Section 136(c) of the Electricity Act, 2003, which is compoundable.

The learned Sessions Judge, after considering the material on record, has observed that the unauthorized interference with the high tension line might have resulted in endangering the lives. Whether the offence alleged to have been committed by the applicant is covered by Section 138 of the Electricity Act, 2003 will have to be dealt with exhaustively. However, *prima-facie*, it cannot be said that the offence will not fall under Section 138 of the Electricity Act, 2003.

Looking to the nature of the allegations, I am not inclined to consider the prayer of the applicant for grant of pre-arrest bail.

The application is rejected.

CRI. APPLN. (APPP) NO. 229/2016.

In view of rejection of the main application, the application seeking time to file certified copy of application, FIR and order does not survive, hence, it is disposed of.

JUDGE