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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.128 OF 2017

Mahesh Shashikant Kushte

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.D.J.Shejal i/b Mr.D.N.Gondhali, for the Applicant.

Mr.Rajan Salvi, A.P.P. for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 30th MARCH, 2017

P.C. :

1. Heard learned counsel for the applicant and learned APP for the Respondent – State.

2. By this application, the applicant seek pre-arrest bail in connection with C.R.No.II 3806 of 2016 registered with the Maharashtra State Electricity Distribution Company Limited Police Station, Kalyan, for the alleged offence punishable under Section 135 of the Indian Electricity Act, 2003.

3. Learned Counsel for the applicant submits that the applicant is innocent and has not committed any offence. He submitted that the applicant has a regular electricity connection and that he is regularly paying the electricity charges for the said connection. He submitted that the applicant has no concern with the Consumer No.032988888889. He submitted that even otherwise the applicant's custody is not required.

4. Learned APP submitted that the applicant has committed theft of 5316 units of electricity amounting to Rs.95,210/- by attaching a hook to the electricity wire and that the panchanama prepared on 26th June, 2016 substantiates the same.

5. Perused the papers. The applicant is charged for the offence punishable under Section 135 of the Indian Electricity Act, 2003. The alleged offence is punishable with an imprisonment for a term which may extend to three years or with fine or with both. It appears that the said act of theft came to light on 26th June, 2016, pursuant to which panchanama was done. Thereafter, a complaint was lodged by Mohammad Arif Shabbir Khan, Assistant Engineer of MSEB Company Limited on 26th July, 2016.

Till date, the applicant has not been arrested despite the fact that the Anticipatory Bail Application of the applicant was rejected on 9th November, 2016.

6. Considering the facts of this case, the custody of the applicant is not required. It also appears that the investigation in the said case is almost over. Accordingly, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :-

ORDER

- i) In the event of arrest, the Applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- ii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iii) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case;

- iv) The Applicant shall co-operate in the conduct of the trial.
- 7. The Application is allowed and disposed of in above terms.
- 8. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application.
- 9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)