

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 886 of 2017

Dilip @ Deepak Shankar Karanjkar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Rahul Tiwari for the applicant.

Mr. A. R. Kapadnis, APP for the respondent-State.

CORAM : PRAKASH D. NAIK, J.

DATE : 12 JUNE 2017

P.C. :

1. This is an application for anticipatory bail in connection with C.R. No. 78 of 2017 registered with Kurar Police Station, Malad(E), Mumbai for the offences punishable under section 135 and 138 of Indian Electricity Act, 2003. The FIR was registered on 5 April, 2017.

2. It is the prosecution case that the officers employed with Reliance Energy Ltd. has conducted raid on 5 April, 2017 and they noticed theft of electricity is being committed from Mini Pillar and seven cables found on terrace of Sai Medical which were running through drainage. It was noticed that electricity supply was being provided to 500 to 600 unauthorised hutment dwellers which are

situated 700 to 800 meters within forest area. On enquiry, it was revealed that the applicant and the co-accused Satyawar Chavan and Manoj Jadhav had committed theft of electricity and supplied the same to the hutment dwellers.

3. It was further revealed that theft of electricity was committed from 6 October, 2016 to 5 April, 2017 and around 467240 units worth Rs.79,43,086/- were utilized by the accused.

4. Learned advocate for the applicant submitted that he has been falsely implicated in this crime. He has not committed the said offence. The prosecution has relied upon the hearsay evidence which was devoid of any merits. He submitted that there is no evidence to connect the applicant with the said crime.

5. Learned APP submitted that the applicant is involved in the said crime. This fact is evident from the statements of hutment dwellers which were recorded during the course of investigation. The witnesses have stated that the applicant and the co-accused had provided them the electricity from the said cables. He further pointed out that two other accused are absconding. He also submitted that at the earlier point of time similar FIR was registered against the applicant with same police station vide C.R No.137 of

2016. He submitted that the accused/applicant is habitual offender and is involved in such activities repeatedly and therefore the anticipatory bail application should be rejected.

6. Considering the aforesaid submissions and taking into consideration the involvement of the applicant which is based on the statement of the witnesses and also looking into the fact that the applicant has earlier committed the similar offence, I am not inclined to grant this application.

7. Hence I pass the following order;

:: ORDER ::

- (i) Anticipatory Bail Application no.886 of 2017 is rejected.
- (ii) Application stands disposed of.

[PRAKASH D. NAIK, J.]