

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

CRIMINAL BAIL APPLICATION NO.1233 OF 2017

Ashraf Abid Sayyed

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Deepa Devadiga for the applicant.

Mr. M. G. Patil, APP for the respondent - State.

CORAM : PRAKASH D. NAIK, J.

DATE : 14 JULY, 2017

P.C. :

. This is an application for bail. The offences are registered under section 135, 138, 150 of Indian Electricity Act. The applicant was arrested on 17th June, 2016.

2. The prosecution case is that the complainant who is working as a manager in Vigilance Division of Reliance Energy received several complaints about the theft of electricity in the area Nayanagar, Bhagatsingh Nagar, Goregaon. The complainant used to address the complaints by disconnecting the illegal electricity supply. However, the same was being reconnected by some persons. On 30th November, 2015, the complainant noticed that the lock of pillar was

broken and the wire connected to it was used for illegal supply of electricity. The panchanama was recorded. On enquiry, the involvement of the accused was revealed. It was found that about 250 illegal hut-ments were receiving the electricity at the instance of one Firoz, Ashraf and Sohail. The FIR was registered bearing C.R. No. 37 of 2015 with Bangur Nagar Police Station, Mumbai. In the supplementary statement of the complainant, it was recorded that the name of one of the accused is Ashraf and not Aslam and on that basis the applicant was implicated as an accused in the same crime.

3. Learned advocate for the applicant submits that no test identification parade is conducted for identification of the applicant. There is no recovery of incriminating material from the applicant. The identity of the accused is in dispute. There are no criminal antecedents against the applicant. It is further submitted that the offences are punishable with imprisonment of three years.

4. Learned APP opposed the application for bail. It is submitted that the accused were indulging in illegal supply of electricity to the hutment dwellers which has caused loss to the complainant. The amount has to be recovered from the accused. It is submitted that Investigating officer has recorded statements of witnesses who has

stated that the electricity was supplied by the applicant / accused and the others. The application for bail, therefore, may be rejected.

5. Perused the FIR and the other documents annexed to the application. Taking the case as it is, it has to be noted that the applicant is in custody from 17th June 2016. The offence alleged against the applicant are punishable with three years imprisonment which is the maximum punishment provided under law. Hence, the applicant can be released on bail.

:: ORDER ::

- (i) Bail Application No. 1233 of 2017 is allowed.
- (ii) The applicant is directed to be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The applicant is directed to report to Bangur Nagar Police Station once in a month on the first Saturday of the month between 11.00 am to 1.00 pm till further orders.
- (iv) The application stands disposed of.

[PRAKASH D. NAIK, J.]