

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1391 OF 2017

1. Abdul Razzak Abdul Gani Parkar

2. Vasim Razzak Parkar

3. Vajid Razzak Parkar **..Applicants**

Versus

The State of Maharashtra **..Respondent**

**ALONGWITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1392 OF 2017**

1. Abdul Razzak Abdul Gani Parkar

2. Vasim Razzak Parkar **..Applicants**

Versus

The State of Maharashtra **..Respondent**

**ALONGWITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1393 OF 2017**

Abdul Razzak Abdul Gani Parkar **..Applicant**

Versus

The State of Maharashtra **..Respondent**

Mr. A. P. Mundargi, Senior Advocate i/by Mr. Rahul M. More for the Applicants.

Mr. S. S. Hulke, APP for the Respondent - State.

CORAM : T. V. NALAWADE, J.

DATE : 21st AUGUST 2017

PC.

1 All these Applications are filed for the relief of Anticipatory Bail in C. R. Nos.2680 of 2017, 2679 of 2017 and 2678 of 2017 registered with MSEDCL Police Station at Kalyan, District Thane for offence punishable under Section 135 of the Electricity Act, 2003 and other offences.

2 Both the sides are heard.

3 Papers of investigations were made available.

4 Applicant No.1 – Abdul Razzak Abdul Gani Parkar is the father of other two Applicants in Criminal Anticipatory Bail Application No.1391 of 2017. Abdul Razzak Abdul Gani Parkar is Applicant in the remaining two proceedings and his sons are also there in other proceedings. There are three Ice Factories of these Applicants and the crimes are registered in respect of these three Ice Factories. There is separate supply of electricity to all the three Ice Factories.

5 The allegations against the Applicants are that when officers of the aforesaid Corporation paid visit to the factories, they suspected

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foul play in relation to actual use of electricity for the machinery used and reading in meter. The reading was not shown of the said consumption in meters. The seals were found in tact. As the consumption which was shown was much less than the actual consumption, inquiry was conducted and the during inquiry, the Applicants admitted that they were committing theft of electricity. It was informed that they had installed Remote Control Circuit in 'Region Caste Setting' and after remote button is pressed the meter was not showing reading even when supply was there through the meter. Demonstration was done by the Applicants as to how they have committed theft and it was video recorded. Then the meter setting was broken and it was noticed that the remote control circuit was connected to all the three phases of secondary circuit. Due to remote control circuit, there was bypass of current and due to that the consumption was not recorded by the meter. This incident was also recorded by doing video shooting. As per the actual consumption which was required for the machinery, the calculation was made by the officers and it was noticed that for 24 months prior to the date of inspection, there was a theft of electricity worth more than Rs.83 lakhs for each connection. Due to these circumstances, the reports came to be given and the crime is registered.

6 Learned counsel for the Applicants submitted that the father

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Abdul Razzak Abdul Gani Parkar had control over the business and it is he who gave demonstration and so the relief can be granted to his sons. This proposition cannot be accepted. The concerns are owned by the sons also who are Applicants and they are benefited. At this stage, it cannot be believed that they had no knowledge that there was theft of electricity and due to that they were not required to pay charges in respect of actual consumption of electricity. The businessmen/factory owners are committing theft by using different modus operandi. It can be said that the aforesaid remote control circuit was not prepared by the present Applicants, but it was purchased from a third party. Investigation needs to be made to trace out that man. That man will supply information in respect of other places where the circuit is used and for that custodial interrogation of all the three Applicants in three Applications is a must. A lenient view cannot be taken in favour of these Applicants as they have committed theft of property of Government Corporation and they have played fraud. Public money is involved in these matters. In the result, all the Applications stand rejected.

[T. V. NALAWADE, J]