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

ANTICIPATORY BAIL APPLICATION NO.1495 OF 2017

Ravindra Ramji Vishwakarma	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Vijendra Mishra, for the Applicant

Mr.M.G.Patil, A.P.P for the Respondent-State.

***CORAM : REVATI MOHITE DERE, J.
DATE : 23rd AUGUST, 2017***

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.28 of 2017 registered with the Sakinaka Police Station, for the alleged offences punishable under Sections 135 and 150 of the Electricity Act.
3. Learned Counsel for the applicant submitted that the applicant had taken the Gala no.58 on leave and licence basis for 45 days and was

completely unaware that the electricity meter was tampered with. He submitted that when the premises was taken on leave and licence the electricity was functioning and was enough for his business and that there was no reason for him to check whether the meter was tampered with or not. He submitted that according to the FIR, there is theft and tampering of 3 meters in 3 galas, however, the applicant was only using Gala no.58, which he had taken on leave and licence basis for 45 days. He submitted that the applicant has been falsely implicated in the aforesaid case. He submitted that the applicant was lawfully conducting his business and had all the necessary licence for conducting his business. He submitted that the complaint filed by the complainant is nothing but a pressurizing tactic to extort money from the applicant. He submitted that the meters are sealed and therefore the custody of the applicant is not necessary.

4. Learned APP does not dispute the fact that the applicant was using only Gala No.58.

5. Perused the papers. According to the complainant – Sandeep Wadgaonkar, there was theft of electricity of 3 meters used in 3 galas. It

appears, that the applicant was only concerned with Gala no.58, which he had taken on leave and licence basis for 45 days from the co-accused. The electricity meters are in the custody of the police. The applicant had the requisite licence to conduct the business, which he was running from Gala no.58. The meters are sealed.

6. In the facts of the present case, custody of the applicant is not warranted. 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 the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount ;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station on 6th, 7th and 8th September, 2017, between 10.00 a.m. to 12.00 noon and thereafter as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier;

(iii) The applicant shall not contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)