

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRI. APPLICATION (ABA) NO.538 OF 2016

(MOHMAD ABID MOHMAD AYYUB SIDDIQUI...VS.. STATE OF MAH. THR. P.S.O. MSEDCL, PS
GADDIGODAM, NAGPUR)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri K.B.Zinjarde, Advocate for applicant.
Shri Anand Deshpande, A.P.P. for non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 06, 2017.

The applicant has sought pre-arrest bail in the crime registered against him for the offence punishable under Section 135 of the Indian Electricity Act, 2003. The accusations against the applicant are that he has tampered with the electric meter and has committed theft of electricity worth Rs.39,76,937.86ps.

This Court has granted protection to the applicant by the order passed on 24th August, 2016. The learned A.P.P. has not been able to show why custody of the applicant is required. The Investigating agency has not placed anything on record to show that any departmental enquiry is conducted to find out whether theft of electricity of such magnitude is possible without connivance of the officials/ employees of the Maharashtra State Electricity Distribution Co. Ltd. It is surprising that even the Investigating Officer has not examined this aspect and has not conducted investigation keeping this aspect in view.

Considering the above facts, I am satisfied that the interim order passed on 24th August, 2016 is required to be confirmed, however, with modification of the conditions.

In the event of arrest in Crime No.3523/2014, registered by the non-applicant, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs.Fifty Thousand with two solvent sureties in the like amount.

The Assistant Commissioner of Police, Sadar, Nagpur shall consider the observations recorded in this order and shall see that the investigation is properly conducted to find out whether the officials/ employees of MSEDCL had been in connivance with the applicant in the alleged theft of electricity.

With the above observations, the application is **allowed.**

JUDGE

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