

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1428 OF 2018

Yogesh Kisan Dhumal, Age 45 years,
Occ.Business, R/o.At Post Gotsai,
Tal.Kalyan, Dist. Thane.

Applicant

versus

The State of Maharashtra

Respondents

Mr.Santosh P. Sonawane for applicant.
Mr.M.G.Patil, APP, for State.
Mr.Amol Jadhav, PSI, MFC Kalyan Police Station.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th August 2018

PC :

1. The applicant is seeking anticipatory bail in connection with CR No.II-35/2018 registered with Mahatma Phule Police Station, Kalyan for offence u/s 135 of Indian Electricity Act.

2. The case of prosecution is that the applicant is consumer of Maharashtra State Electricity Board. He had obtained electricity connection for his rice mill on 15th August 2018. The squad of MSEDCL visited the rice mill and it was found that the accused has committed theft of bypassing the electric meter and by putting 10 mm wire three meters in length near the meter directly to the connection. The applicant committed theft of 1,04,724 units worth Rs.11,03,650/-. Hence, the FIR was lodged for the theft of electricity.

3. Learned advocate for the applicant submits that there is delay in lodging the FIR. The alleged incident had occurred on 15th May 2018 whereas FIR was lodged on 24th May 2018. It is submitted that the applicant is willing to co-operate with investigation. The custodial interrogation of applicant is not necessary. He had paid Rs.8,620/- on 10th February 2018. He has co-operated with the investigation during interim protection by the Sessions Court. It is also submitted that on 30th June 2017 the applicant had forwarded letter to MSEDCL for closing his meter on account of the fact that during rainy season the rice mill will be closed.

4. Learned APP submitted that the applicant has committed theft of electricity. Although FIR was lodged on 24th May 2018, panchanama was recorded on 15th May 2018, which clearly mentions that the applicant had tampered with electric meter and committed theft of electricity. 10 mm wire of three meter length was found near meter having direct connection to the meter. Having gone through the documents it is apparent that the applicant is involved in theft of electricity worth Rs.11,03,650/-. Panchanama supports the prosecution case. The applicant has tampered with the electric meter and by misusing the same has committed the theft of electricity worth Rs.11,03,650/-. Taking into consideration all these factual aspects of the matter, no case for grant of anticipatory bail is made out. Criminal Anticipatory Bail Application No.1428 of 2018 is rejected.

(PRAKASH D. NAIK, J.)