

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

ANTICIPATORY BAIL APPLICATION NO. 1807 OF 2018

Azharuddin Shahbuddin Shah ... Applicant
Vs.
State of Maharashtra ... Respondent

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Mr. F.N. Momin a/w Mr. Gautam Jain for the applicant.
Mr. M.G. Patil, APP for the Respondent-State.
Mr. J.P. Jadhav, PSI, Bhiwandi Police Station is present.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 6th SEPTEMBER, 2018.**

P.C.

1. This is an application for anticipatory bail in CR No. II-26 of 2018 registered with Bhoiwada Police Station, Bhiwandi for offences punishable under Section 336, 427 of Indian Penal Code and Section 138, 150 of Indian Electricity Act, 2003 and Section 3 of Damage to Public Property Act.
2. Prosecution case is that on 9th May, 2018, the complainant who is serving as a technician in Torrent Power Ltd was interfering in the electricity line near Murcus Hotel at Bhiwandi.
3. The applicant preferred an application for anticipatory bail which was rejected on 7th June, 2018.

4. It is submitted that the applicant is the employee of Late Electrical, who is contractor of Torrent Power Ltd. He has been falsely implicated in this case. It is not the prosecution case that the applicant has committed theft of electricity. There are no criminal antecedent against the accused. He is aged about 18 years. It is further submitted that the custody of the applicant is not required.

5. Learned APP submitted that applicant was caught red handed while he was indulging in the illegal activity of connecting cable to power cable of Torrent Power Ltd. The employee of the complainant had recorded the video of the incident. The applicant ran away from the place of incident. Panchanama was recorded on 9th May, 2018. The act could have caused danger to the public.

6. On perusal of the first information report and the panchanama recorded during the course of investigation it appears that the applicant was allegedly found committing the said act on the pole of electricity. It is alleged that he was trying to connect the cable to the power of Toren Power Limited. Nothing incriminating was recovered from the spot. It is not clear as to what exact act was committed by the applicant at the spot of incident.

7. Considering the nature of allegations, the custodial interrogation of the applicant is not necessary. There are no criminal antecedents against the applicant. In the circumstances, anticipatory bail granted to the applicant on certain conditions.

ORDER

- i) Anticipatory Bail Application No. 1807 of 2018 is allowed;
- ii) In the event of arrest of applicant in connection with C.R. No. II 26 of 2018 registered with Bhoiwada Police Station, Bhiwandi, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs.20,000/- (Rs. Twenty Thousand only) with one or two solvent sureties in the like amount;
- iii) The applicant shall attend Bhoiwada Police Station, Bhiwandi once in a week on Friday between 10.00 a.m. and 12 noon till filing of chargesheet;
- iv) The applicant shall not tamper with the evidence and/or influence the prosecution witness;
- v) Applicant shall not visit the place of incident;
- vi) Anticipatory Bail Application stands disposed of.

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(PRAKASH D. NAIK, J.)