

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

**INTERIM APPLICATION NO. 3555 OF 2022
IN
CRIMINAL APPEAL NO. 1043 OF 2022**

Bhaurao Sambhaji Patil

..Applicant

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Sukumar R. Ghanavat for Applicant.

Mr. S. R. Agarkar, APP for State/Respondent No.1.

CORAM : SARANG V. KOTWAL, J.

DATE : 20th OCTOBER 2022

PC :

1. The Applicant has preferred the Criminal Appeal No.1043 of 2022 challenging the Judgment and order dated 06/09/2022 passed by learned Special Judge, Gadhinglaj in Special Case (MSEB) No.1 of 2016. By the impugned Judgment and order the applicant was convicted for commission of offence punishable U/s.135 of the Indian Electricity Act and was sentenced to suffer S.I. for one year and to pay a fine of Rs.10000/- and in default of payment of fine to undergo S.I. for one month. He was

also convicted for offence punishable U/s.138 of the same Act and was sentenced to suffer S.I. for one year and to pay a fine of Rs.10000/- and in default of payment of fine to undergo S.I. for one month. Both the substantive sentences were directed to run concurrently.

2. The prosecution case is that the informant Amit Bokil was an Additional Executive Engineer working with the Maharashtra State Electricity Distribution Company Limited. He was entrusted with the job of checking illegal connections in his area. He was working in Kolhapur district. His area was Kolhapur District Industrial three phase connection. The applicant was having a rice mill known as Sateri Rice Mill. When the informant inspected the electricity meter, he found that it was running slow at around 75.94%. The electricity consumption was shown 91.53% less. The seal of the meter was tampered with. The prosecution case is that the applicant committed theft of 24675 units between the period from 22/02/2014 to 19/11/2015. The electricity bill was around Rs.2,50,050/-. He was given an option to enter into compromise by paying Rs.1,50,000/-. He did not accept that and,

therefore, this prosecution was lodged.

3. Learned counsel for the applicant submitted that, he was on bail during trial. He had not misused that liberty. The applicant has already deposited the amount of Rs.2,50,050/- with the complainant company and, therefore, his case may be sympathetically considered for consideration of bail.

4. Learned APP opposed this application. However, he could not controvert the fact that the sentence is short and the Appeal is not likely to be decided within that period.

5. I have considered these submissions. The major punishment awarded to him is for one year and the Appeal is not likely to be decided within that period. As submitted by learned counsel for the Appellant, he has already deposited the concerned amount. Considering this, the applicant can be granted bail pending hearing and final disposal of his Appeal.

6. Hence, the following order:

O R D E R

- i) During pendency and final disposal of Criminal Appeal No.1043 of 2022, the Applicant is directed to be released on bail on his executing P. R. Bond in the sum of Rs.30000/- with one or two sureties in the like amount.
- ii) The Applicant shall not indulge in any such similar activities.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)