

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

ANTICIPATORY BAIL APPLICATION NO. 2705 OF 2021

Rahul Ashok Dere

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr. Yogen Kakade a/w Bhagyashree Ghute and Shalupriya Tiwari
for the Applicant.

Mrs. J.S. Lohokare, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 29 MARCH 2022

P.C.

1. The Applicant, apprehending his arrest, in connection with the investigation of Crime No.1236 of 2021 registered with Chakan Police Station, Dist. Pune under Section 379, 406, 409 of IPC and Section 135 and 150 of the Indian Electricity (Amendment) Act, 2003, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 09.10.2021 lodged by Harihar Jagatsing Gothwad who is working as Additional Executive Engineer with the Maharashtra State Electricity Distribution Company Limited (MSEDCL) Rajguru Nagar Division, Pune. The informant is the incharge of Rajguru Nagar Division of MSEDCL. He states

SNEHA
NITIN
CHAVAN

Digitally signed by
SNEHA NITIN
CHAVAN
Date: 2022.03.29
17:49:24 +0530

that there was 5 sub-divisions in Rajgurunagar Division, including Chakan Division. The Deputy Engineers are incharge of the sub-division. The Applicant is working as Deputy Engineer and was incharge of Chakan sub-division. There are Assistant Engineers, working in each sub-division, who are responsible for the quality control. They are entrusted with the work of verifying the meter readings and whether the information has been fed in the software of the MSEDCL and whether there is proper billing. There is a vigilance team which looks after the entire recording of meter readings and billing process and also reports any unusually low electricity bills, which may indicate electricity theft/pilferage.

3. It is material allegation that an agency by name 'Secure Agency' from Udaipur, Rajasthan, was entrusted with the work of installation of new meters, in the place of the old ones. The said agency was required to feed the information of said replacement through mobile app in the software of MSEDCL. The said agency was supplied with meters. The allegation is that there was a short fall of 53 meters in respect of information was not fed in the software of MSEDCL. Ultimately, it was found that meter no. X1132948 was shown to be installed at 'Tirupati Engineers' at village Nighoje, Taluka Khed, District Pune. However, on inspection it was found that the actual meter installed was bearing no. X1132953 and necessary information was fed through the mobile app in the software of MSEDCL. It was also revealed that

there was a consequent pilferage of electricity worth Rs.21,72,720/- by Tirupati Engineers, which is accused No.4.

4. I have heard the learned counsel for the parties. Perused record.

5. By an order dated 18.11.2021, interim protection was granted to the Applicant. The learned counsel for the Applicant submitted that Applicant has reported to the Investigating Officer on multiple occasions and has co-operated in the investigation.

6. Prima faice, it can be seen that the actual work of replacing of the meters was entrusted to 'Secure Agency' and even according to the informant, the quality control aspect was looked after by the Assistant Engineers, working in the respective subdivisions. The Applicant was over all incharge of Chakan subdivision. The learned counsel for the Applicant pointed out that 'Tirupati Engineers' has deposited the amount of Rs.21 lakhs and odd. Thus, the allegation about any theft/pilferage has been taken care of.

7. Looking to the nature of allegations, the evidence would be documentary and/or digital in nature about the information fed to the software of the MSEDCL as well as the report of inspection, if any by the quality control department. In the

circumstances, I do not find that, the custodial interrogation of the Applicant is warranted.

8. Hence, the following order:

ORDER

i) In the event of his arrest, in connection with the investigation of Crime No.1236 of 2021 registered with Chakan Police Station, Dist. Pune, the Applicant **Rahul Ashok Dere** be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall report to the Investigating Officer as and when required.

iii) The Applicant shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.

iv) Criminal application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)