

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO.1891 OF 2023

SHABNOOR
AYUB
PATHAN

Digitally signed
by SHABNOOR
AYUB PATHAN
Date: 2023.08.02
10:16:33 +05:30

Amol Shankar Choudahri

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Vikas Kolekar, for the Applicant.

Mr. Amit A Palkar, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 1, 2023

PC.:

1. Apprehending arrest in connection with C.R.No.62 of 2023 registered with Lonikalbhor police station, for offences punishable under Section 135 of Electricity Act, 2003, the applicant is seeking relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.PC.').

2. According to prosecution, the informant by name Gopal Shriram Patil is the Additional Executive Engineer of the MSEDCL, working in the flying squad at Distribution Department, Power House, Rasta Peth, Pune. His work is to check electricity connection and find out the theft of electricity. On 19 December 2022, at about 10:30 pm he along with the staff was on round duty and at that time, he checked the electricity supply at Shrinath Industries, Cement Pipe Company owned by the applicant/accused. He found that the electricity supply was taken directly from the transformer distribution box situated near that

company without any electricity meter. The said electricity supply was taken illegally from the changeover switch of that distribution box. As such, the applicant/accused committed the theft of 52840 units worth Rs.11,20,994/-.

3. The applicant, therefore, filed application under Section 438 of Cr.P.C. before learned Sessions Judge which came to be rejected by order dated 31 May 2023.

4. On perusal of the report, it appears that the allegation against the applicant is that he had consumed electricity for his establishment directly from the transformer distribution box without electricity meter. The electricity supply was taken illegally from changeover switch of that distribution box. Considering the allegation and the demand draft of Rs.5,70,000/- brought by learned Advocate for the applicant, custodial interrogation of the applicant is not required. Hence, following order:

a) In the event of arrest of the applicant in connection with C.R.No.62 of 2023 registered with Lonikalbhor police station, for offences punishable under Section 135 of Electricity Act, 2003, he be released on bail on furnishing P.R. bond of Rs.25,000/-, along with one or two sureties in the like amount.

b) The applicant shall remain present before the concerned police station on 3rd, 5th and 7th August, 2023 between 11:00 am to 2:00 pm and thereafter, as and when called by the investigating officer.

c) The applicant shall not directly or indirectly make any

inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

f) The applicant shall deposit the demand draft with the Additional Executive Engineer of MSEDCL within one week from today.

5. The anticipatory bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)