

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.2108 OF 2023

VAIBHAV
RAMESH
JADHAV
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VAIBHAV RAMESH
JADHAV
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Mukesh Dhanraj Akodiya ... Applicant

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. Prasad Avhad i/by Mr. Chetan Nagare for the applicant.

Mr. P. H. Gaikwad, APP for the respondent/State.

Mr. A. V. Kamble, H.C., Saswad Police Station, Pune is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 27, 2023

RC.:

1. Apprehending arrest in connection with C.R. No.75 of 2023 registered with Saswad Police Station, Taluka Purandar, District Pune for offences punishable under sections 427, 411 read with section 34 of the Indian Penal Code, 1860 and section 136 of the Electricity Act, 2003, the applicant is seeking relief under section 438 of the Criminal Procedure Code, 1973.

2. According to the prosecution, a report was lodged by an employee of Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL) on 3rd February 2023 alleging theft of 15 kg copper wire worth Rs.15,000/- and wasting of oil worth Rs.26,550/- by

damaging the electric D.P. installed in the field of Vithu Kumbharkarar, Gat No.383, Vanpuri, Taluka Purandar, District Pune.

3. Role attributed to the applicant is of purchase of copper wire from the co-accused.

4. The applicant applied before the learned Sessions Judge under section 438 of the Criminal Procedure Code, 1973, which came to be rejected by order dated 2nd May 2023.

5. On perusal of the report and case papers, it appears that the incident is recorded in CCTV. The co-accused has sold copper wire to the applicant.

6. Learned APP pointed out the antecedents of the applicant. The antecedents of the applicant are of same nature. It appears that similar six offences are registered against the applicant in the year 2022 and similar eight offences are registered against the applicant in the year 2023. The chart of similar offences is as under:

Sr. No	Police Station	C.R. No.	Date of incident and Place	Goods Stolen	Number of D.P.
1.	Jejuri	256/2022	26 & 27 July 2022, Kantibapu and Madanwadi Gulunche	200 kg.	2
2.	Jejuri	316/2022	Pargaon Memane	180 kg.	2
3.	Jejuri	322/2022	08 & 09 September 2022, Pimpre Khurd, Chambharaki & Dagadaki Nira	200 kg.	2
4.	Jejuri	04/2023	26 & 27 December 2023, Near Gulunche	100 kg.	1

		School		
5.	Jejuri	20/2023	10 January 2023, Karnalwadi	100 kg. 1
6.	Jejuri	22/2023	06 January 2023, Belsar	100 kg. 1
7.	Jejuri	40/2023	Chorpati, Mavadi Kap, Seamless Co. Jejuri	600 kg. 3
8.	Jejuri	42/2023	Gulunche and Karnalwadi	163 kg. 2
9.	Saswad	264/2022	28 June 2022, Chambli	90 kg. 1
10.	Saswad	75/2023	01 February 2023, Garade	15 kg. 1
11.	Rajgad	08/2022	08 January 2022 Khed	88 kg. 1
12.	Rajgad	69/2023	19 February 2023, Sangamner	60 kg. 1
13.	Velha	11/2022	14 February 2022, Aambavane and Barerale	30 kg. 1
14.	Velha	05/2023	18 January 2023, Fanase	20 kg. 1

7. In view of the role attributed by the co-accused to the applicant of purchasing the stolen goods, custodial interrogation of the applicant is necessary to unearth racket of purchase of government property and utilizing it for commercial purpose. Hence, the applicant has failed to record prima facie case.

8. The anticipatory bail application is, therefore, rejected.

(AMIT BORKAR, J.)