

Mr. Arvind Chamle a/w. Ms. Vandana A. Chamle for Applicants.
Ms. R. V. Newton, APP for Respondent - State.

P.C. :

Heard Mr. Chamle, learned counsel for the applicants and Ms. Newton, learned APP for the respondent-State.

2. In the present case, the applicant is apprehending arrest in connection with FIR No.0204 of 2024 dated 02.08.2024 registered with Khandeshwar Police Station, District - Navi Mumbai, for offence under Section 135 of the Indian Electricity Act, 2003.

3. The FIR has been registered on the statement of the Deputy Executive Engineer, who claimed that when a flying squad inspected the electricity meter of the residential premises of the applicants, it was found that the meter was tampered with, due to which, it had slowed down. The allegation is that, while tampering with the meter, the applicants, as the consumers of electricity, had caused loss to the Electricity Distribution Company.

4. A perusal of Section 135 of the Electricity Act, 2003 shows that although the punishment in terms of sub-section (1) thereof can be

imprisonment for a term, which may extend to three years or with fine or with both, the *proviso* thereto specifies that when the consumption is less than 10 kilowatt, for the first conviction, a fine can be imposed, which shall not be less than three times the financial gain on account of such theft of electricity. There is nothing to show that the applicants have been convicted earlier and therefore, in the present case, even if they were to be convicted, the sentence that can be imposed, pertains only to fine as specified in the *proviso*.

5. In such a situation, even if the investigating officer has issued notice to the applicants, there cannot be any apprehension of arrest.

6. With these observations, the present application deserves to be disposed of because when there can be no apprehension of arrest, there is no question of granting anticipatory bail. Since notice is already issued and served upon the applicants, they shall appear before the investigating authority.

7. The application is disposed of with above observations.

(MANISH PITALE, J.)

Minal Parab