

Jairam Tanpure Vs. State

: Order below Exh. 01:
(Dated 19th October 2022)

Applicant/accused No.4 has taken out an application U/s. 438 of the Cr.P.C. wherein he claimed to have reasonable apprehension of arrest in connection with the Crime No.84/2022, registered with Yavat Police Station, Tal. Daund, Dist. Pune for the offences punishable U/s. 136 of the Indian Electricity Act and U/s. 427 R/w.34 of the Indian Penal Code.

02 Heard Ld. Advocate for the applicant/accused and Ld. APP for the State. Perused the documents on record.

03 FIR dated 23.01.2022 discloses that, on 23.01.2022 at about 10.00 p.m., at mouje Koregaon Bhivar, Tal. Daund, Pune, some unknown persons committed theft of copper wire from the D.P. installed at mouje Koregaon Bhivar, Tagde vasti, Daund, Pune. That aluminum wires worth Rs. 60,000/- from the D.P. were stolen. Therefore, informant Appasaheb Shahaji Thorve lodged report of the incident to concerned Police Station. Based on the said FIR, Crime No. 84/2022 came to be registered with Yavat Police Station, Tal. Daund, Dist. Pune for the offences punishable U/s. 136 of the Indian Electricity Act and U/s.427 R/w.34 of the Indian Penal Code against the applicant/accused.

04 Heard Ld. Advocate for applicant and Ld. A.P.P. for the State. Ld. Advocate for applicant submitted that, the applicant/ accused has not committed any offence. The FIR is lodged against unknown accused. That, there is nothing to investigate from the present applicant/accused.

05 On the contrary, Ld. A.P.P. submitted that, offence alleged is serious in nature. The custodial interrogation of the applicant is necessary. The applicant would commit the similar crimes if released on bail. Ld. A.P.P. submitted to reject the application.

06 The offence U/s.136 of the Indian Electricity Act is alleged against the accused which is punishable up to three years. Undisputedly, the FIR is registered against unknown person. However, there is nothing on record to suggest prima facie that, present applicant/ accused has committed theft. There is nothing prima facie incriminating against applicant/accused. Thus, considering nature of offence and weak type of evidence available on record till date, it is just to grant anticipatory bail to the applicant. With this, following order is passed:-

ORDER

1. Application (Exh.01) is allowed.
2. In the event of arrest of applicant/accused namely in Jayram Rambhau Tanpure R/o- Rahuri, Dist. Ahmednagar, in **Crime No. 84/2022**, registered with Yavat Police Station, for the offences punishable U/s. 136 of the Indian Electricity Act and U/s. 427 R/w.34 of the Indian Penal Code, he be released on bail on

furnishing P.B. of **Rs.15,000/-** with surety of one or two in the likewise amount, to the satisfaction of the concerned investigation officer, and on the following terms and conditions:-

- (a) He shall make himself available for interrogation by police Officer as and when required under written intimation to him.
- (b) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.
- (c) He shall not leave India without prior permission of this court.
- (d) He shall not tamper the prosecution evidence.
- (e) He shall not threat to the prosecution witnesses.
- (f) He shall furnish his residential as well as business address along with contact numbers.
- (g) He shall not indulge in any criminal activities.

3. Inform the concerned police station accordingly.

Date: 19.10.2022

(J.A.Shaikh)
Additional Sessions Judge,
Baramati.

I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Name of Steno.	:-	S.P. Chabukswar
Court Name	:-	J.A. Shaikh
		Additional Sessions Judge, Baramati
Date	:-	19.10.2022
order signed by P.O. on	:-	19.10.2022
order uploaded on	:-	31.10.2022