

MHTH290018072026



Order below Ex.1 in Criminal Bail Appln No.652/2026

(Amid Akil Kuwari Vs. Shantinagar Police Station)

1] This is an application filed by applicant/ accused namely Amin Akil Kuwari for seeking pre-arrest bail in C.R.No.572/ 2026, registered at Shantinagar Police Station, for the offence punishable under sections 135, 138 of Indian Electricity (Amended) Act, 2003.

2] Brief facts, which give rise to file the present application, are as under :

Complainant is serving as an Executive in Torrent Power Limited, Bhiwandi. On 10.06.2026, at 03.15 pm complainant visited house of applicant bearing ghar No.64, 2nd floor, Khote Apartment, Nizampura, Bhiwandi for the purpose of checking of electricity supply etc. while visiting the said house of applicant/accused it was noticed that, electricity meter was not present in the said house, but the persons residing there (accused) had obtained electricity supply to his house, illegally, from main electricity supply of complainant's company. The said electricity supply was obtained from electricity pole of complainant company by using cable etc. Then, complainant prepared detail panchanama of said illegal electricity connection found on the spot, in presence of panchas. She obtained photographs and videograph about the same.

3] It is alleged that, accused has committed theft of electricity energy, amounting to Rs.07,05,416.06/- hence, complainant lodged report in this regard. On the basis of her said report, police registered this crime.

4] By filing this application, applicant/accused seeking pre-arrest bail to him. According to him, contents in FIR are false and in regard to the same incident, other crime u/s.74 of BNS Act registered against him by the complainant. He alleged further that, he is ready to co-operate in investigation and electricity meter in that premises is in the name of his deceased-father.

5] Prosecution resisted the prayer by filing reply Exh.6. According to prosecution, when the complainant raided the spot i.e. house of accused, it was noticed that, the accused has obtained illegally electricity connection and committed theft of electricity energy of huge amount. According to prosecution, at the relevant time, the accused not allowed the complainant to enter in his premises and made scuffle with her, therefore, separate offence u/s. 74, 352 of BNS is registered against him and others.

6] Ld. Advocate of applicant submitted that, contents in FIR are false and the amount of alleged theft of electricity energy shown in FIR is false and vexatious. He submitted further that, the accused/applicant is not residing on the spot where alleged theft of electricity energy is committed. He relied upon electricity bill of applicant/

accused on which his different address of residence is mentioned. According to him, theft of alleged electricity energy is not committed by the present applicant.

7] On perusal of record it appears that, other crime u/s 74, 352 of BNS filed by complainant is pending against this applicant. No doubt, the said crime is in respect of this incident itself. But, the crime mentioned in this FIR is totally different one.

8] As per contents in FIR when the complainant checked the premises owned by accused, it was noticed to her that there was no any legal or valid electricity meter found in said premises, but an electricity was available there. It further alleged that, the accused had taken an electricity connection in said premises illegally from the pole of complainant's company. This is not a stage, to record findings as to whether the units and amount of electricity theft calculated by complainant is really trustworthy or not. But, the complainant has prepared panchanama of the above offence and seized cable etc. from the spot used in obtaining illegal connection at the house of accused. Prima-facie, the allegations in FIR and said panchnama are found justified to show an involvement of this applicant in alleged electricity theft.

9] Considering specific allegations in FIR and nature of offence committed by accused, in my view, custodial interrogation of the accused is necessary for further investigation. Therefore, the accused has not made out a case to use discretion in his favour and

to allow the prayer. Hence, the following order :

ORDER

1] ABA 652/2026 stands rejected.

Bhiwandi.
13.07.2026

(N. L. Kale)
Additional Sessions Judge, Bhiwandi