

**ORDER BELOW EXH.4 IN SPECIAL (ELECTRICITY)****CASE NO. 114 OF 2024****CNR: MHST010015682024****(Shahaji Tanaji Jadhav****Vs.****State of Maharashtra)*****(Delivered on 15/11/2024)***

The applicant/accused is seeking regular bail u/s. 439 of Cr.P.C. in connection with C.R. No. 333 of 2023, registered with Bhuinj Police Station for the offences punishable under Sections 379 & 427 r/w.34 of the Indian Penal Code and Sec. 136 of Indian Electricity Act, 2003.

2. Prosecution case in brief is that:-

That the informant- Komal Yogesh Pawar is working as Assistant with MSEDCL Ltd. At Anewadi, Tal.Jaoli, Dist.Satara. She is entrusted with work of maintenance of overhead line. At Anewadi, transformer came to be installed in the field by name "Choudeshwari". She visited the same on 25/08/2023 at around 3.00 p.m. and found the same in order. On 26/08/2023 at about 9.15 a.m. a person by name Dada Patil, R/o.Anewadi telephoned her and complained about disconnection of electricity in the village. After verification of line, she found that transformer installed in "Choundeshwari" field was damaged and fallen down. Copper wire therein, approx. 50 kg., amounting to Rs.25,000/- appears to be stolen. Thereafter, she informed the incident her senior officers and then lodged complaint.

3. On the basis of statement of informant, the offence came

to be registered with Bhuinj Police Station for the above mentioned offences.

4. In support of bail application, Ld. Advocate Shri.T.S.Duduskar for the applicant has argued that present applicant came to be arrested on the basis of doubt. He is innocent and not concerned with the offence. Stolen copper wire has already been seized from other accused. The present applicant is resident of Satara and having no criminal antecedents. Custodial interrogation is over and therefore, he be released on any terms and conditions.

5. On the other hand, Ld. APP Shri.N.D.Muke has filed reply at Exh.5. He has argued that the present applicant is involved in the crime. Alongwith other co-accused, present applicant damaged transformers and committed theft of copper wire. Due to this act, not only M.S.E.B. sustained damage but also electricity of nearby areas was disconnected. If he is released on bail, then he will flee or repeat the crime. Accordingly, he prayed to reject the bail application.

6. In this regard, I have heard Ld. Advocate T.S.Duduskar for the applicant/accused and Ld.APP N.D.Muke for the State. I have gone documents filed on record.

7. Following points arise for my determination. My findings thereon with reasons are as under:-

POINTS

FINDINGS

1. Whether the applicant is entitled to be released on bail ?

Yes.

2. What order?

Application is allowed.

-.REASONS:-

As to point no.1 :

8. I have gone through the FIR and other police papers. In this case, charge-sheet has filed. It shows that stolen copper wire came to be seized from already arrested co-accused. At the instance of those accused, present applicant came to be arrested.

9. There are no criminal antecedents. Applicant is permanent resident of Satara. Nothing has seized from the applicant. In the circumstances, he can be released by imposing appropriate terms and conditions. Considering all these facts and circumstances, present bail application deserves to be allowed on following conditions. Accordingly, I answer Point No.1 in affirmative and pass the following order.

ORDER

1] Application is allowed.

2] Applicant/accused **Shahaji Tanaji Jadhav** be released on furnishing Personal Bond of **Rs.25,000/- (Rs. Twenty Five Thousand Only)** with one or two sureties of the like amount, alongwith his recent self-attested photographs, in C.R. No. 333 of 2023, registered with Bhujinj Police Station, Tal.Wai, Dist.Satara on following conditions :

(a) He shall not directly or indirectly make any inducement, threat or promise to the informant as well

as to any witness, acquainted with the facts of the case, so as to dissuade them from disclosing such facts to the Court or to any Police Officer.

(b) He shall attend the dates of hearing of the case.

(Dictated and pronounced in open court.)

Satara

Date : 15/11/2024

(D.L.Nikam)

**Special Judge (under Electricity
Act), Satara.**