

ORDER BELOW EXH. 01 IN
CRIMINAL BAIL APPLICATION NO. 999 OF 2023
(Sameer Gaikwad + 3 Vs. State)
(CNR No.MHPU01-003220-2023)

The applicants/accused by name (1) Sameer Sambhaji Gaikwad, (2) Swapnil Vitthal Thopate, (3) Prashant Rajendra Patil, (4) Raj Bhagwan Patil have moved this application for regular bail in Crime No. 325 of 2022 registered by the Police Station Jejuri, Pune for the offences punishable under sections 427 & 411 r/w 34 of the Indian Penal Code and u/s. 136 of the Electricity Act.

2] Perused application, Say (Exh,4) and the Perused the police papers as made available by the State. Heard both sides.

3] It is alleged by the prosecution that the FIR is lodged by the employee of MSEDCL on 13-09-2022 alleging the theft of copper wire by damaging transformer installed at Mauje Belsar, Tal-Purandar, Dist-Pune. Accordingly C.R. No. 325/2022 came to be registered for offence u/s. 136 of Electricity Act and section 427 and 411 r/w 34 of Indian Penal Code. During the investigation, involvement of present applicant Nos. 1 to 4 along with co-accused has been revealed. Accordingly, accused came to be arrested and certain muddemal is recovered.

4] Ld. Advocate for applicant/accused has submitted that they are falsely implicated in the present case they are innocent persons and have not committed any crime. The copper wire has already been recovered and no further recovery or discovery is to be done at the

instance of present applicants. The investigation is practically completed. The accused are in jail since 6-02-2023. They are ready to abide the terms and conditions of bail. Hence, he prayed for granting regular bail.

5] Per contra, learned Additional Public Prosecutor has submitted that offence is very serious. The applicant/accused if released on bail, they may commit similar type of offence. The investigation is not yet completed and charge-sheet is yet to be filed. Hence, application be rejected.

6] The offence is punishable under section 136 of Electricity Act and section 427 and 411 r/w 34 of Indian Penal Code. Certain muddemal is recovered. Investigation is practically completed. The accused are in jail since more than 20 days. Under such circumstances, no purpose will be served by keeping applicants/accused behind the bars. Hence the following order :-

ORDER

- 1] The application is allowed.
- 2] Accused (1) Sameer Sambhaji Gaikwad, (2) Swapnil Vitthal Thopate, (3) Prashant Rajendra Patil, (4) Raj Bhagwan Patil be released on bail in CR No. 325/2022 under sections 427, 411 r/w 34 of Indian Penal Code and section 136 of Electricity Act registered with Police Station Jejuri, Pune on executing P.R. Bond of Rs. 25,000/- each and on furnishing one or two sureties each in like amount and in addition depositing cash security of Rs.

5,000/- each (Rs. Five Thousand Only) on following conditions :-

- a] They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case.
- b] They shall not tamper the prosecution evidence.
- c] They shall not commit similar type of offence.

(Dictated and Pronounced in Open Court.)

Pune.

Dt. 03/03/2023.

(R. N. Hiwase)
Additional Sessions Judge, Pune.

CERTIFICATE

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

Name of Steno : M.R. Saptarshi,
(Stenographer Grade-I)

Court Name : R. N. Hiwase
Adhoc District Judge -2 and
Additional Sessions Judge,
Pune.

Date of Order : 03/03/2023

Order signed by the
Presiding Officer : 03/03/2023

Order Uploaded on : 03/03/2023