

Cri. Bail Application No. 172/2022.
Sanket Balaso Patil Vs.
State of Maharashtra

ORDER BELOW EXH. 1

The applicant/accused has filed this application under section 438 of the Cr.P.C. for grant of anticipatory bail in Crime No. 528/2022 for the offence punishable under sections 135 of Electricity Act registered at Islampur Police Station.

2. It is the case of the prosecution that, on 24/08/2022, informant Sou. Sarika Anil Patil lodged the complaint to the police station. She alleged that, she is the Junior Engineer and working in MSEDCL. He is authorized U/s. 151 of Electricity Act for inspection. On 19/08/2022, he visited to Latif Poultry Farm. At that time he noticed that the consumer has bypass the meter and committed theft of electricity. He was unauthorizedly using three motors of 7.5 HP, one motor of 10 HP, four motor of 3HP, 4 motor of 20 HP, 4 motor of 1.5 HP, 3 electronic weighing machines and 6 LED light. Accordingly, he lodged the complaint alleging that, accused has committed the theft of 214742 units of electricity of value of Rs. 35,77,110/-. On the basis of his complaint police has lodged the offence against accused.

3. Ld. A.P.P. Smt. S.V. Patil resisted the bail petition by filing Say inter-alia contending that accused has committed the theft of electricity worth Rs. 35,77,110/-. The company has given notice to accused to that effect and gave the period of 4 month to deposit the theft amount. But, accused did not deposited the amount. Accused is absconded. He is not also available for service of notice issued U/s. 41A of Cr.P.C. Ultimately, he sought rejection.

4. Heard learned advocate Shri. S.P. Dugam for the applicant accused and Ld. A.P.P. Sou. Patil, for the State.

5. Perused documents on record. It appears from the F.I.R. itself that accused has committed theft of 214742 unit worth Rs. 35,77,110/-. In spite of giving the opportunity deposit the amount against electricity theft accused has not deposited the same. Accused has used the theft electricity for commercial purpose like poultry. It is also appear from the FIR that accused has used the power of 130 HP unauthorizedly by committing theft. This much power can be help the near about 40 farmers to irrigate their land by using 3HP motor. Now, the tendency of committing electricity theft is increases thoroughly in the society. The Electricity board faces loss due to such persons. Due to such act of accused and of so many such persons, government is sustaining the huge loss and ultimately they are unable to pay the electricity charge to electricity generation company. Due to loss of funds, electric generation company is unable to purchase the coals, which affects the production of electricity. Ultimately, it get resulted in load shedding.

6. Learned advocate for accused submitted that, nothing is to be recover from the accused. Offence is not punishable more than 10 years, hence, accused is entitled for anticipatory bail. He further submit that, they are filling the civil suit for declaring that said act is illegal and accused is not entitled to pay any amount to the MSEDCL. The faith of the case will be decided in the civil mater. The case is of civil nature, hence also the bail be granted. In this context, it is pertinent to note that, the offence is registered under special act. Theft of electricity is not a civil nature crime. Such a theft is an offence committed by white collar crime. Under such aggregating circumstances, I am of the opinion that such types of white collar criminal did not require to show the mercy and they are

not entitled for the discretionary relief of anticipatory bail. In result, I proceed to pass the following order.

ORDER

1. Application is hereby rejected.
2. Inform the concerned police station accordingly.

Date- 13/09/2022.

(Aniruddha Subhash Gandhi)
Additional Sessions Judge,
Islampur.

CERTIFICATE

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

Name of the Stenographer	:	Shri. Pradip T. Patil (Steno Grd- I)
Court Name	:	Addl. Sessions Judge, Islampur.
Date of Judgment/order	:	13.09.2022
Signed by P.O. on	:	13.09.2022
Uploaded on	:	14.09.2022