

Order below Exh.1 in Cri. Bail Application No. 321/ 2022

Dr. Pradip Mewalal Jaiswal ... Applicant
Accused.

Vs.

The State of Maharashtra
through PI Ghoti Police St. .. Respondent.
(Cr. No. I 42/2022)

Order below Exh. 1

1. This application has been filed by the applicant/accused under section **438 of Cr.P.C.** for releasing him on **anticipatory bail** in Crime. No.I 42/2022 registered at Ghoti Police Station for the offences punishable under sections 135, 138 of the Indian Electricity Act & Rules. Accordingly, interim protection was granted to the applicant till filing of say by the State.

2. According to the prosecution case, the FIR has been lodged on 08.03.2022 by one Vidyutkumar Vijay Pawar working who is working as a Dy.Ex. Engineer MSEDCL alleging therein that on 21.02.2022, he visited the factory of the applicant namely Sai Mewa Foods & Beverages located on the ground floor of the building namely "Sai Mewa Accident and General Hospital, at Ghoti for inspecting the electric meter. While inspecting the same, he found that the screen of the meter is not displaying the readings and three screws of three phase were loosened. He find that someone has tampered with the meter and committed theft of electricity. On assessment, it was found

that there was theft of 221856 units of electricity worth Rs.40,37,470/-. He then went to the police station. Based on his statement, the offence was registered and the applicant is apprehending his arrest at the hands of the police.

3. The Id. Counsel Shri M.S. Nawale appearing for the applicant has submitted that the applicant is a Doctor by profession. The factory where incident took place admittedly belongs to him. But he has leased out the said factory to the co-accused by executing lease deed on 18.03.2020. He has handed over all the documents to the police despite Police are after him and are not ready to listen. The applicant has been falsely implicated in this case. He has no role in the theft of electricity. Nothing remains to be seized. There is no need of custodial interrogation. Hence, the Id. Counsel for applicant prays that ad-interim protection granted to the applicant be made absolute.

4. The investigating Officer has filed his reply at Exh.8 and strongly opposed the application on the ground that offence is serious in nature. There are sufficient evidence to show involvement of the applicant in the theft of electricity. The amount of theft is huge around 40,37,470/-. Considering the nature of offence, custodial interrogation of the applicant is necessary. So, he prayed for rejection of the application.

The Id. APP Smt. Aparna Patil has strongly opposed the application in the line of submissions made by the investigating officer and prayed for rejection of the application.

5. After hearing both sides and going through the case-diary, prima facie it appears that the applicant is the Owner of the said

factory as well User of the said electric meter. Police has collected evidence to that effect. Even on perusal of the lease-deed, it is mentioned in Condition No.1 that applicant is the Owner of the said factory and licence to run the business is also in his name. But as he is in medical profession, it is difficult for him to manage the said business. So, he has engaged co-accused to look after the entire business. Thus, prima facie, involvement of applicant is appearing in committing the theft of the electricity. So, his custodial interrogation is necessary to find out the truth, active participation of other persons etc. Hence, following order is passed.

ORDER

1/- Application stands rejected.

2/- Interim protection granted to applicant by this Court on 09.03.2022 stands vacated forthwith.

Inform concerned police station accordingly.

(**Smt. S.S. Nair**)

Date : 01.04.2022.

Addl. Sessions Judge -4, Nashik.