

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No. 4575 OF 2015

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ORDER:

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973, seeking pre-arrest bail, since the petitioner/accused is apprehending arrest in connection with Crime No.3065 of 2015 of Anti Power Theft Squad Police Station, Mahabubnagar District, and he allegedly committed the offence punishable under Section 135(1)(b) of the Electricity Act, 2003.

2. The case of the prosecution in brief is that on 16.04.2015, S.K.Jani Basha, AE, along with one P.Venu Madhav, AE, Mahabubnagar, inspected the premises situated in Survey No.215, Dharoor Road, Gonpad Village, Gadwal Rural Mandal, found theft of electric energy and estimated a sum of Rs.13,444/- and on the basis of the report, the police registered the above crime.

3. The main contention of the petitioner is that he is not the owner of the said premises and thereby he cannot be made liable for the alleged offence of commission of theft of electric energy.

4. The learned Public Prosecutor for the State of Telangana would contend that the petitioner involved in the similar crime for the second time and in the earlier crime the petitioner compounded the offence with the Department concerned and the second offence is not compoundable.

5. As seen from the material available on record, the petitioner was found in possession of the house as per the report of the A.E. and merely because service connection is not standing in his name being the occupier, he may not be exonerated for the said crime if any committed and that too the petitioner appears to be a habitual offender and involved in the earlier occasion in similar crime for the said offence and compounded the same.

6. Taking into consideration the conduct of the petitioner and based on the material

available on record, I find that it is not a fit case to grant pre-arrest bail to the petitioner by exercising discretion.

7. Accordingly, the Criminal Petition is dismissed.

JUSTICE M. SATYANARAYANA MURTHY

Date.21.05.2015

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