

**HON'BLE SRI JUSTICE M.S.K.JAISWAL**

**Criminal Petition No.12352 of 2016**

**ORDER:**

The petitioner has filed this Criminal Petition under Section 482 Cr.P.C., questioning the order of the learned Metropolitan Sessions Judge, Cyberabad at L.B.Nagar in Crl.M.P.No.1877 of 2016 in C.C.No.1457 of 2016, dated 11.08.2016.

The said petition was filed under Section 438 Cr.P.C., seeking anticipatory bail to the petitioner, who is accused of having committed an offence under Section 135(b) of Electricity Act, 2003. While granting anticipatory bail, the learned Sessions Judge has imposed the condition that the petitioner should execute bond for Rs.10,000/- with two sureties for a like sum each to the satisfaction of VI Metropolitan Magistrate Court, Cyberabad at Medchal and shall also pay an amount of Rs.3,73,389/- to the Electricity Department. This condition imposed by the learned Sessions Judge is questioned by the petitioner on the ground that while granting bail, such a direction cannot be imposed since that is the amount which is alleged to be payable to the Department and that amount cannot be paid to the Department for being released on bail. In support of his contention, the learned counsel for petitioner has placed reliance on the judgment of Supreme Court in **Amarjit Singh v. State of Orissa**<sup>[1]</sup>, wherein, similar facts are noted.

In that view of the matter, the criminal petition is disposed of directing that the condition for payment of Rs.3,73,389/- is

modified to the extent that the petitioner should furnish third party surety for the said amount to the satisfaction of VI Metropolitan Magistrate Court, Cyberabad at Medchal.

Subject to above modification, the criminal petition is disposed of. Pending miscellaneous applications, if any, shall stand closed.

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**M.S.K.JAISWAL, J**

27<sup>th</sup> August 2016

**N.B :**

Issue C.C. by 29.08.2016.

(b/o)

ajr

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[\[1\]](#) 2002 Law Suit (SC) 18